

**METROPOLITAN AREA PLANNING COMMISSION**

**Minutes  
May 11, 2000**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held Thursday, May 11, 2000, in the Planning Department Conference Room, 10<sup>th</sup> Floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Frank Garofalo, Chair; Bud Hentzen (in late); Bill Johnson; Ron Marnell; Susan Osborn-Howes (in late); George Platt; Ray Warren (in late); and Deanna Wheeler; Chris Carraher; Richard Lopez; John W. McKay Jr.; Jerry Michaelis; Harold Warner, Jr were not present. Staff members present were; Marvin S Krout, Secretary; Dale Miller, Assistant Secretary; Donna Goltry, Principal Planner; Scott Knebel, Senior Planner; Lisa Van De Water, Senior Planner, Barry Carroll, Associate Planner, and Valerie Robinson, Recording Secretary.

**1. Approval of MAPC minutes for February 24, 2000.**

**GAROFALO** "We will call the meeting to order. The Approval of the minutes for February 24<sup>th</sup>. Does anyone have any corrections, additions, changes?. I have one on page 3 at the bottom, I'm not sure, where it says, on the last two lines. It tributes both quote line to me. I wonder if one should be Buds."

**KROUT:** "Probably" The last line was Buds?"

**GAROFALO:** "That's what I thought, but I don't recall. "

**KROUT:** "I'm guessing that that's probably right. You were responding to...Bud was responding to you. "

**GAROFALO:** "Yeah."

**KROUT:** "Okay, we'll make that change. "

**GAROFALO:** "Does anyone have anything else on the minutes? Any other corrections, changes, additions? If not! "

**JOHNSON:** "Moved to approve. "

**Platt:** "Seconded"

**Motion:** That the minutes be approved as amended.

**JOHNSON** moved, **PLATT**, seconded the motion, and it carried unanimously (6-0).

**GAROFALO:** "Minutes are adopted. "

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**FRANK GAROFALO**, Chair, read the following zoning procedural statement, which is applicable to all City of Wichita zoning cases:

Before we begin the agenda, I would like to take this opportunity to welcome members of the public to this meeting of the Metropolitan Area Planning Commission. Copies of the agenda for today's meeting, the public hearing procedure, and copies of Staff Reports on zoning items are available at the table nearest to the audience.

The Commission's bylaws limit the applicant on a zoning or subdivision application and his or her representative(s) to a total of ten minutes of speaking time at the start of the hearing on that item, plus up to two minutes at the conclusion of that hearing. All other persons wishing to speak on agenda items are limited to five minutes per person. However, if they feel that it is needed and justified, the Commission may extend these times by a majority vote.

All speakers are requested to state your name and address for the record when beginning to speak. When you are done speaking, please write your name and address and the case number, on the sheet provided at the table nearest to the audience. This will enable staff to notify you if there are any additional proceedings concerning that item. Please note that all written and visual materials you present to the Commission will be retained by the Secretary as part of the official record. If you are not speaking, but you wish to be notified about future proceedings on a particular case, please sign in on that same sheet.

The Planning Commission is interested in hearing the views of all persons who wish to express themselves on our agenda items. However, we ask all speakers to please be as concise as possible, and to please avoid long repetitions of facts or opinions which have already been stated.

For your information, the Wichita City Council has adopted a policy for all City zoning items, which is also available at the table with the other materials. They rely on the written record of the Planning Commission hearings and do not conduct their own additional public hearings on these items.

**GAROFALO:** "Okay, Subdivision items. We only have two of them. Is anyone here to speak on Subdivision items 2-1, or 2-2? Hearing none, seeing none? Its back to commission. Commissioner Warren."

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2. Consideration of Subdivision Committee recommendations from their meeting of May 4, 2000. Ray Warren, (absent for DR 00-05 vote), James Barfield (absent for SUB2000-21 vote) and George Platt, present for entire meeting. Jerry Michaelis, John McKay Jr. Richard Lopez absent entire meeting. Copies of their recommendations furnished to the Planning Commission.

**NOTE: ITEMS 2-1 TO 2-2 MAY BE TAKEN IN ONE MOTION, UNLESS THERE ARE QUESTIONS OR COMMENTS.**

Agenda Item 2-1(SUB2000-21) Approved, vote 2-0; Agenda Item 2-2(DR 00-05) Approved, vote 2-0;

2-1. SUB2000-21 – Final Plat of KILLENWOOD POINTE ADDITION, located south of 13<sup>th</sup> Street, on the east side of Greenwich Road.

- A. As this site is adjacent to Wichita's city limits, the applicant shall submit a request for annexation.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee shall be with the County for service through the Four-Mile Creek sanitary sewer system. On the final plat tracing, appropriate wording shall be added to the Mayor's signature block indicating the City's agreement to allow a County sewer district to be formed within the City. A sanitary sewer layout is requested.
- C. The Applicant shall guarantee the extension of City water to serve the lots being platted.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- E. County Engineering needs to comment on the need for additional right-of-way along Greenwich. 10-foot of additional right-of-way shall be dedicated along Greenwich.

The requested dedication has been denoted on the final plat.

- F. County/City Engineering needs to comment on the status of the applicant's drainage plan. The Applicant shall coordinate the removal or modification of terraces on the site with NRCS. City Engineering requests an off-site drainage easement.
- G. City Fire Department needs to comment on the plat's street names. The plat's street names are approved.
- H. The plat shall denote complete access control along the site's frontage to Greenwich.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's south property line and driving surface for Killenwood.
- K. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. The applicant shall guarantee the paving of the proposed streets.
- M. The owner's signature block should reference "Killenwood Pointe" Addition.
- N. The MAPC signature block should reference Frank Garofalo as the Chairman.
- O. The southwest tie point should reference Section 15, Township 27 South.
- P. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the

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U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**2-2. DR 00-05 – Request for a Street Name Change from Stratford to Stratford Row (1500 Block of East Stratford)**, generally located north of Central, west of 159<sup>th</sup> Street West.

**Note:** The Wichita-Sedgwick County Address Committee was created in 1994 to avoid and correct street naming and addressing problems that were being discovered as a result of increasing growth in the county and of using the new Geographic Information System (GIS) maps and databases.

A meeting was held in January to review this street name change. At the March meeting, the committee voted unanimously (5-0) to recommend use of the name of "Stratford Row" for this street.

**WARREN:** "I would move that Items 2-1 and 2-2 be approved as presented."

**MOTION:** Warren moved, Wheeler seconded the motion, and it carries unanimously (6-0)

**GAROFALO:** "Subdivision items are approved. Agenda Item 3"

**3. Case No. ZON2000-00012** - Sedgwick County request zone change from "SF-20" Single-Family Residential and "LC" Limited Commercial to "LI" Limited Industrial for development of the property for commercial and industrial uses on property described as:

A tract of land lying in the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: The West 10 acres of the Southwest Quarter of said Southwest Quarter, exc. that part taken for road. Generally located on the Northeast corner of 21<sup>st</sup> Street North and Hoover Road.

**BACKGROUND:** The applicant requests a zone change from "LC" Limited Commercial and "SF-20" Single Family Residential to "LI" Limited Industrial on a 8.3 acre unplatted tract located north of 21<sup>st</sup> Street North and east of Hoover. The south half of the subject property is zoned "LC" Limited Commercial, and the north half of the subject property is zoned "SF-20" Single Family Residential. The applicant proposes to develop the property for industrial and commercial uses.

The surrounding area is characterized by mixed-use suburban residential and commercial/industrial development; agricultural land; and regional recreational facilities. Property to the north is zoned "SF-20" Single Family Residential and is developed with single family residences on large lots. Property to the south is zoned "LC" Limited Commercial and is developed with a self service storage warehouse. Further to the south across Zoo Boulevard is the Sedgwick County Zoo. West of the site is a mixture of commercial/industrial businesses, single family residences, manufactured homes, and agricultural land on property zoned "LI" Limited Industrial, "LC" Limited Commercial, and "SF-20" Single Family Residential. East of the site is agricultural land on property currently zoned "SF-20" Single Family Residential, which was recently approved for "IP" Industrial Park zoning subject to pending platting.

The applicant has offered to develop the site under the additional provisions of a Protective Overlay (attached) that would limit the permitted uses and establish a minimum front building setback of 35 feet. In the opinion of planning staff, the Protective Overlay offered by the applicant does not sufficiently protect the interests of neighboring residential properties and the Sedgwick County Zoo because vehicle sales lots and body shops would still be permitted. Therefore, planning staff is recommending approval of "IP" Industrial Park zoning rather than the requested "LI" Limited Industrial zoning. The purpose of the "IP" Industrial Park zoning district is to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing uses that can meet high development and performance standards. Since the commercial uses (except vehicle sales lots, body shops, and outdoor recreation) requested by the applicant are already permitted in the subject property's "LC" Limited Commercial zoning but are not permitted in the "IP" Industrial Park district, planning staff is recommending approval of "IP" Industrial Park zoning only for the northern ½ to ¾ of the subject property.

Since the subject property is adjacent to the Wichita city limits, it should be annexed and developed under the city landscape requirements. Also, the subject property should be platted in a manner that provides for internal circulation in conjunction with the 20 acre tract located immediately to the east that was recently approved for "IP" Industrial Park zoning.

**CASE HISTORY:** The site is unplatted. On March 8, 2000, the Board of County Commissioners approved (subject to pending platting) "IP" Industrial Park zoning for a 20 acre tract located immediately east of the subject property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20"	Single Family
SOUTH:	"LC"	Self Service Storage Warehouse
EAST:	"SF-20" ("IP" Pending)	Agriculture
WEST:	"SF-20", "LC" & "LI"	Single Family, Manufactured Home, Agriculture, various commercial/industrial businesses

**PUBLIC SERVICES:** The site has access to Hoover and 21<sup>st</sup> Street North, both of which are paved two-lane arterials. Hoover has current traffic volumes of 1,000 vehicles per day, and 21<sup>st</sup> Street North has current traffic volumes of 1,600 vehicles per day. The 2030 Transportation Plan estimates traffic volumes will increase to 4,600 vehicles per day on both Hoover and 21<sup>st</sup> Street North. The site currently does not have public water or sewer service, so the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process if the zone change is to be approved. Development of this site without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The update to the Comprehensive Plan, now in progress, also identifies this area as appropriate for "Low Density Residential" development; however, the update also indicates that a new area approximately ¾ mile north of this site is appropriate for major industrial development in the future. The Industrial Locational Guidelines of the Comprehensive Plan indicate that the factors to be considered when locating industrial uses are: the characteristics of the individual use, the surrounding uses, the zoning district, and the degree to which the specific use would clash with adjacent uses. The uses surrounding this site already exhibit a mixture of commercial/industrial uses with residential uses, indicating a general acceptance of mixed-use development in the area. The zoning district proposed by planning staff ("IP" Industrial Park) supports industrial uses that can meet high development and performance standards. Industrial development that can meet such high development and performance standards is less likely to clash with adjacent residential uses than the "LI" Limited Industrial zoning district requested by the applicant.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request for "LI" Limited Industrial be **DENIED**, and if the MAPC so chooses, the northern ½ to ¾ of the subject property be rezoned "IP" Industrial Park subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by mixed-use suburban residential and commercial/industrial development; agricultural land; and regional recreational facilities. Property to the north is zoned "SF-20" Single Family Residential and is developed with single family residences on large lots. Property to the south is zoned "LC" Limited Commercial and is developed with a self service storage warehouse. Further to the south across Zoo Boulevard is the Sedgwick County Zoo. West of the site is a mixture of commercial/industrial businesses, single family residences, manufactured homes, and agricultural land on property zoned "LI" Limited Industrial, "LC" Limited Commercial, and "SF-20" Single Family Residential. East of the site is agricultural land on property currently zoned "SF-20" Single Family Residential, which was recently approved for "IP" Industrial Park zoning subject to pending platting.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and "SF-20" Single Family Residential. The southern half of the site could be developed with commercial businesses permitted in the "LC" Limited Commercial district upon the extension of public water and sewer service. Due to several factors including limited size, location along an arterial street, and close proximity to recently approved "IP" Industrial Park zoning, it is unlikely that the northern half of the site (that is currently zoned "SF-20" Single Family Residential) will develop with single family residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The "IP" Industrial Park zoning district recommended by planning staff accommodates industrial uses that can meet high development and performance standards and is much more likely to limit detrimental impacts on neighboring properties than the "LI" Limited Industrial zoning district requested by the applicant. This is especially important given the close proximity of this site to the Sedgwick County Zoo, which is one of the top tourist attractions in the State of Kansas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The update to the Comprehensive Plan, now in progress, also identifies this area as appropriate for "Low Density Residential" development; however, the update also indicates that a new area approximately ¾ mile north of this site is appropriate for major industrial development in the future. The Industrial Locational Guidelines of the Comprehensive Plan indicate that the factors to be considered when locating industrial uses are: the characteristics of the individual use, the surrounding uses, the zoning district, and the degree to which the specific use would clash with adjacent uses. The uses surrounding this site already exhibit a mixture of commercial/industrial uses with residential uses, indicating a general acceptance of mixed-use development in the area. The zoning district proposed by planning staff ("IP" Industrial Park) supports industrial uses that can meet high development and performance standards. Industrial development that can meet such high development and

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performance standards is less likely to clash with adjacent residential uses than the "LI" Limited Industrial zoning district requested by the applicant.

5. Impact of the proposed development on community facilities: The site currently does not have public water or sewer service, so the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process if the zone change is to be approved. Development of this site without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

**SCOTT KNEBEL** "Planning staff, Agenda item #3 is a zoning change request located at 21<sup>st</sup> Street North and Hoover. Currently the property is zoned Limited Commercial and SF-20 Single Family. The applicant is requesting Limited Industrial zoning on a 8.3-acre unplatted tract. As you can see by the slide here approximately the south half of the property is zoned commercial and the north half is zoned residential. The applicant is proposing to develop the property for industrial and commercial uses. The surrounding area is characterized by a mixture of suburban residential commercial, and industrial development and regional recreational facilities to the south, comprised of the Sedgwick County Zoo and the Sedgwick County Park.

This is the site, it is currently used for agriculture. This is looking north, across 21<sup>st</sup> street. This is looking east, along 21<sup>st</sup> street to the properties north of the site. If you'll recall the property immediately east of the site, you recently approved for Industrial Park zoning, a 20-acre tract. This property is immediately adjacent to that. This is another recent case, you recently approved self-storage units, located south of this tract, just north of Zoo Boulevard. This is the view down Hoover Road down towards the Sedgwick County Zoo. This is looking west along 21<sup>st</sup> Street, and this is looking north at the properties basically west of the subject property along Hoover Road. These are the residential properties that are immediately north of the subject tract, this is looking east down 23<sup>rd</sup> Street North. The applicant has offered to develop the site under the provision of a Protective Overlay which has been attached to the Staff Report for your information, so you'll know what they've offered. This would basically limit the permitted uses and would establish a minimum front building set back of thirty-five feet. In the opinion of planning staff, the Protective Overlay does not sufficiently protect the interest of neighboring residential property, or that of the Sedgwick County Zoo. Primarily because there are a couple of items left off their prohibited uses. Those being vehicle sales, or outdoor vehicle and equipment sales, and body shops. Therefore, planning staff, in order to be consistent with development standards that we have recently approved for the property to the east, is also recommending Industrial Park zoning for the property that is immediately adjacent to that. However the applicant does have the right to do some commercial development on their Limited Commercial zoning as well and so planning staff is recommending that only that portion of the land that is zoned residential be changed to Industrial Park zoning or depending upon what the applicant indicated their preference might be or what the will of the board would be, maybe half of the commercial zoning would become also industrial zoning in addition to the residential property.

The site is also adjacent to the city limits and planning staff recommends that it be developed according to the city (tape 105) landscape standards which could be accomplished by annexing the site as part of the platting process. And also the subject property is adjacent to the property that I've mention several times, here which is going to be developing with industrial uses and we would like to see the platting process address access between these two parcels and internal circulation to prevent over burdening either of the arterial in the area. The site does not currently have water or sewer service, and so as part of the platting process we recommend that the public water and sewer be guaranteed to be extended to the site in order to avoid potential impact on ground water in the area, which is quite high in this particular area as evidenced by the area which shows several sandpits that have been excavated in the past. The area as far as the comprehensive plan is concerned is shown as appropriate for low density residential. However the update to the plan indicates that about three-quarters of mile to the north of this site is appropriate for quite a large industrial area, and given the fact that the planing commission has recently approved the property to the east as, for Industrial Park zoning, we feel like the Industrial Park zoning in this area will generally conform with, both the comprehensive plan, which indicates industrial for quite a large area up here, and also the existing land use of this area here which is pretty heavily industrialized today, including outdoor storage, including manufacturing and so forth.

Planning staff is recommending that the applicants' request for Limited Industrial be denied primarily for, to avoid uses that are incompatible with residences in the area, such as auto sales and body shops, and that instead Industrial Park zoning be approved for either the portion of the property that is zoned SF-20 or perhaps about three-fourth of the property depending upon the will of the commission. All of that would be subject to platting within one year. I'm available for questions."

**GAROFALO**: "Scott, will you on the aerial point out the area that we approved for, the nearby area that we approved for Industrial Park."

**KNEBEL**: "It's this tract right here."

**GAROFALO**: "It's right adjacent to it."

**KNEBEL**: "Yeah. It is immediately to the east."

**GAROFALO**: "Any other questions?"

**WARREN**: "Was that an "IP" or was that Limited Industrial?"

**KNEBEL**: "It was : "Industrial Park". "IP".

**WARREN**: "IP", Yeah.

**GAROFALO**: "Commissioner Wheeler."

**WHEELER**: "I just want to make sure I have my bearings. The place that we see far over to the left is that Bridgeport subdivision?"

**KNEBEL**: "No, Bridgeport would be located up in here, north of 29<sup>th</sup> street."

**WHEELER:** "So that is Back Bay."

**KNEBEL:** "Yes, this is Barefoot Bay here. Right in here."

**WHEELER:** "And then what is the water, body of water to the right?"

**KNEBEL:** "It's another..."

**WHEELER:** "That's undeveloped?"

**KNEBEL:** "Yeah, it's undeveloped. It's actually in pretty bad condition, basically it appears to be abandoned. They have never removed their equipment or anything."

**WHEELER:** "And then to the north of this site, is that residential?"

**KNEBEL:** "Yes, 23<sup>rd</sup> Street North has residences. There are residences along Hoover Street on both sides."

**GAROFALO:** "Commissioner Johnson"

**JOHNSON:** "A body shop cannot be build in "CL"?"

**KNEBEL:** "That's correct."

**KROUT:** "We already had that case requesting General Commercial."

**WARREN:** "Not even as a Conditional Use?"

**KNEBEL:** "Well it is permitted first in General Commercial."

**WARREN:** "Scott go back to the picture that showed the zoning that is presently there. Where the arrow is. Where it sets, is that long section the same as this one? Is that what we approved recently?"

**KNEBEL:** "Yes. This tract right here was approved for Industrial Park zoning."

**WARREN:** "For Industrial Park zoning, and the applicant here has requested "LI" is that right?"

**KNEBEL:** "Yes, that's correct."

**WARREN:** "And which is the heavier zoning?"

**KNEBEL:** "Well in the use table, Limited Industrial is shown as being more, more intensive than the Industrial Park, just more, more intensive. The Industrial Park zoning limits a lot of the commercial type, retail type, and businesses that are permitted in Limited Industrial."

**WARREN:** "According to that map, the south part is the unit we are talking about is already zoned Limited Commercial."

**KNEBEL:** "That's correct."

**HENTZEN:** "Did you notice when you were out there, the residential properties directly west and north, I didn't count them, but it looked to be about every other house, was a trailer home."

**KNEBEL:** "I believe along 23rd Street, I think there is just one. Approximately at this location here. Along Hoover road I would say that at least half if not more than half are manufactured houses."

**HENTZEN:** "That's what I was thinking about.. Okay"

**GAROFALO:** "Any other questions? Okay, we will hear from the applicant or agent."

**RUSS EWY:** "Agent for the applicant, Baughman Company. As Scott explained and as we read through Mr. Savoy's development to the east of here, I think there was a lot of concern about a ground water contamination and the provision that we, when we plat the property, guarantee the extension of municipal services to serve the site. All of that is quite logical, quite reasonable. It was a discussion about the aesthetic impact that development north of 21<sup>st</sup> Street right on this intersection would have on the Zoo. I believe that was pretty well covered. And we tried to take a look at that case and apply as much of that to this development as we possible could. With noting the fundamental difference being the way, well first off, their development being twice as large with the need for internal circulation. They came up here with a cul de sac and platted a substantial number of lots. I think we are looking at doing something along the lines of five lots. Most, the majority of our properties obviously situated along an arterial roadway. We don't have that great of depth, so a lot of these types of physical issues is what lead us to try to author a Protective Overlay that was gonna meet a lot of the design needs, or should I say use restriction that the "IP" district has as well as being cognizant of the fact that we were trying to get away from the "IP's" development standards, specifically their building setback which is over twice as far from twenty feet to fifty feet for front setbacks. We were looking to go to a district that was going to allow us a little bit more flexibility. The Protective Overlay addresses the building setback."

We tried to go at a point thirty-five feet, which is very common in your Limited Commercial districts. Your commercial districts, a lot of the office parks, and a lot of the development along 21<sup>st</sup> Street, much more in view of the Park, I believe they have similar such setbacks. So I think we tried to at least come halfway in the building setback to get a little bit better development standard and primarily the reason way we filed for Limited Industrial, as opposed to the Industrial Park, was typically centered around a few uses. Now were standing here and willing to meet staff on removing vehicle sales lots and any outdoor recreation, any outdoor use that's actually going to go a ways in destroying or perhaps limiting or impacting I should say, some of the visual quality of that area, we are willing to limit our uses to those that are gonna not shove their merchandise out onto Hoover. The applicant is intending to move his business here. I think it was a similar case with Steve Cox in the last case. There was one primary site, or one use that wanted to relocate out there, and they are relatively short time frames. The rest of the lots would be more speculative although we have had discussions with a few potential buyers in our property. What we, I basically boil down to is the fact that one of those potential buyers would be classified as a body shop. We would be asking again, to perhaps modify our Protective Overlay or expand our Protective Overlay to remove vehicle sales and outdoor recreational uses, but still be able to provide the opportunity for a body shop. I believe all the other issues that were addressed in the Staff Report I think would be able to address at platting, but I would be more than happy to answer any questions."

**GAROFALO:** "Do we have any questions for Russ? Commissioner Platt."

**PLATT:** "Russ you said that you wanted the "LI" over the "IP" because of a few uses and you mentioned one, a body shop. What else do you have in mind that would come about."

**EWY:** "As you are aware we have a portion of the property that is zoned Limited Commercial. Industrial Park prohibits among other things, retail sales and like a convenience or gas type of use. So we thought trying to restrict uses to certain portion of our property using our current zoning, and zoning that we're asking for, we felt that zoning the entire property one zoning district and having a Protective Overlay dictating uses on the entire property would be a little bit more manageable in the future."

**GAROFALO:** "Any more questions? Commissioner Warren?"

**WARREN:** "Well as a matter of maybe working out some kind of compromise here, I don't know rather it would work or not, but say if that south half, or south two-fifths what ever that works out, was Limited Industrial and the north portion of it was a Limited Commercial. Could that work out for you, along with some pretty heavy screening and landscape requirements particularly for your body shop?"

**EWY:** "And that opens up another discussion, the fact you have Zoo Boulevard which bends down, and as we know is a pretty high traveled roadway. The way this intersection is configured, you've got some convenience, you got a gas station, an unmanned gas station here for example. You have a contractors yard here, or contractors office here, you got storage. I guess it's debatable how marketable that particular intersection is going to be for Limited Commercial, for pure retail, or convenience uses. Although, if there was a market for that type of retail or convenience type use, it's probably gonna be centered around the intersection as far, as close to the southern portion as possible vs. this northern area which is probably most likely."

**WARREN:** "You can have retail in Limited Industrial can't you?"

**EWY:** "You can have retail in Limited Industrial not in Industrial Park. It's the intention for the applicant by the way to use probably, northern, to develop the northern most lot for his particular business."

**WARREN:** "What is that business that you're talking about?"

**EWY:** "He has a sign business, and also maintains parking lots. It would be along the lines of a contractor's yard."

**WARREN:** "Would that fit in Limited Commercial?"

**EWY:** "His particular use would fit in either, Industrial Park or Limited Industrial."

**WARREN:** "But not Limited Commercial?"

**EWY:** "But not Limited Commercial, no sir".

**GAROFALO:** "Commissioner Barfield?"

**BARFIELD:** "Can you show me approximately where the body shop if there was going to be one located?"

**EWY:** "Not all of these lots, that we've sketched out are similar. We've got basically a 290 by 290 set of three lots up to the north. It would probably take either the second or the third lot. It would be towards the middle."

**GAROFALO:** "Any other questions?"

**HENTZEN:** "The request that we're talking about today is not just on the north part but on the whole part."

**EWY:** "Right, exactly."

**HENTZEN:** "Ok. Let me tell you that on the north edge of the property that we're talking about, are some very huge extensive tin sheds that are falling down and rusty. I don't know what they were used for, might have been a pig farm. But I just want to tell you, that anything that we could out there would certainly help the neighbors."



**GAROFALO:** "Any other questions for the commissioners? Marvin?"

**KROUT:** "Russ, can ah...does the...it sounds like there's maybe one or two uses that are fairly immediate, does the applicant...willing to wait until the sewer is extended before, before trying to get any building permits? That became an issue with the County Commission, and I imagine it will in this case too."

**EWY:** "What I was unable to do Marvin was to get with Jack Brown of the County Health Department to see, as you are aware the last time in reading the minutes of Mr. Cox's proposal, they had the one use that wanted to relocate, and they, I know that Mark Savoy mentioned something about a holding tank as permitted by the Health Department and on site water I assume. That would be the only use permitted up until the time the City extends sewer. Now as you are probably aware the City's just completing a basin study in this area. They are proposing a sewer main, if...if I can get this to work. Currently sewers located here, they're showing an extension accos Zoo Boulevard up and over to the half-mile line and then up. In discussions that I've had over the past couple of weeks with water and sewer department, they're..."

**KROUT:** "Better off to use the laser pointer."

**KNEBEL:** "The battery doesn't work."

**EWY:** "Anyway, I believe they are looking for...The city had made claims that they are probably going to extend a main to that intersection. And that we would be partitioning it across our boundaries per usual. But they made claims that they may be willing to provide sewer across and up to the intersection in order to jumpstart some of the development both ours, Cox's as well as others, being that the City is in the process of adding some great deal to this area. So I don't think sewer is as far away and water is as far away as it probably was even four months ago, even before this study was conducted. So we would be looking I think to ask for the Health Department permission to do a temporary holding tank for our sanitary sewer. Having that pumped out until that is able to be extended, on a temporary basis."

**KROUT:** "For one use or for more than one use. "

**EWY:** "For one use. I think that would, I think that's what Jack Brown had said would be the limit."

**KROUT:** "And that would be for the contractor yard?"

**EWY:** "Yeah, for Mr. Burleson use."

**KROUT:** "One of the things, this is, I understand this is a planning issue also, but understand one of the things that we think that is important in this case is to...is to coordinate the platting of the two tracts, which in our case, the case we were looking at meant extending that cul de sac to the west to Hoover Road and then having you take access off of that street and then having circulation to both 21<sup>st</sup> and Hoover with roadway and reducing the number of access points on Hoover Road. His your applicant considered that? Is he going to be receptive to that?"

**EWY:** "The status of that, Mr. Burleson approached me during the zoning and platting which kind of happened concurrently with that particular property, when we meet with, when we met with Mark Savoy to see where he was on the plat, it was, he had said that connection, that there was no connection out to the west. That Steve Cox's development did not want to have that access out through our property, and we're able to get the plat approved without providing that access."

**KROUT:** "My understanding was that that it was only approved as a preliminary, and we'll be discussing that issue again, and we knew that this case was coming forward and we're certainly hoping to get both parties to cooperate and to develop something that is more unified."

**EWY:** " Right, and to be quite honest, after we had that discussion with Mark we simply dropped it, assuming it was going to be a non-issue. So we have not been discussing that. We haven't designed our plat around that access point, being dedicated. We would have to come back and take a look at that. But as it would stand now, I don't think we are interested in that type of dedication to extend that road out. It really doesn't benefit this property as much as the property to the east. And not to sound like two, three-year-olds, but I think we would have to, we would rather have that discussion over the next few weeks before we prepare the plat. But we are well advised that the planning staff is going to look for that."

**WARREN:** "Marvin are you asking that, would he be amendable to a right away, a street right away through his property to that property to the west."

**KROUT:** "Yes, one road that connects 21<sup>st</sup> to Hoover with the lots in-between."

**WARREN:** "If, can we assume that, that is probably about 1,200 feet Russ, frontage?"

**EWY:** "About 1,320."

**WARREN:** "Okay. About 1,320 feet. If the commission was to decide there is an application there that would probably be suitable as Limited Industrial, Marvin, what portion would you think of this land would be least available for Limited Industrial, and which would be more potentially usable for that purpose? And I'm thinking in north and south portion of it."



**KROUT:** "I think probably only a corner lot that may have some retail commercial potential. Another service station, or convenience store or some use like that. That's the only lot, that's the only lot that has some visibility to Zoo Boulevard and it will be a corner intersection so it has some potential. I think once you go the north of that it's going to be non-retail use."

**WARREN:** "I know, but you need Limited Industrial to do a lot of things he's talking about, at least one of the things he's talking about doing, and that's a body shop."

**KROUT:** "And I think our concern with the body shop pursue and we've had a discussion about this, because you've probably seen body shops that vary in their appearance. But, this is an area that has some real image problem today. But it's an area that with the right kind of initial development can become a real asset to the city. And we think both for residential use and non-residential uses, it is close in, it has good access, someday we'll have a bridge between 29<sup>th</sup> street and 25<sup>th</sup> street over the big ditch. With an interchange over I-235. Some day we may have an interchange at Hoover road and K-96. So we think there is great potential for this whole area from Ridge Road to the east over time. And we just want to try to be very careful of the initial developments that occur to make sure that they, that this area begins to redevelop in a positive way. And not in a way that is similar to the kinds of uses you see out there to the larger extent today."

**WARREN:** "Marvin. Body shops seem to kind of take on a connotation of negative image. And that isn't necessarily true, we have one close to where I live, it is well landscaped, it is very well screened. It is a very proper business. We just helped put one in out in Haysville area, that's the same way, so to put body shops into this connotation of an ugly, unlandscaped unorganized area is just not fair. And I would wonder if we did go for Limited Industrial, to accommodate that need, Even though it's a permitted use there, if we couldn't provide for some provisions for some Conditional Use conditions that would allow us for some additional screening and any other thing that would make it more attractive for what you're talking about."

**KROUT:** "And I agree from a stand point, in comparison to the case that you had at the hearing that I missed on Meridian and 53<sup>rd</sup> street. This is not, not an area that is joining residential, where you would have the same kinds of problems, that people were complaining about at that meeting about noise, fumes. I think this is going to be an industrial area because of the zoning that we have already approved to the east. I think that one of the problems that, probably one of the issues would deal with cars on site that are not only in body shops, but particularly in body shops, parked or stored for a long period of time, stacked up on blocks over night, and have the appearance of a salvage yard and maybe there's a way to deal with that issue."

**WARREN:** "Can't we look at that in a site plan, and require some screening of that type of thing so that they would have to put them inside a screened area. We do that in the area that I'm thinking about. We have a screened area that is for that purpose alone, which is for storage, until they can get the parts to repair this car. But they're not unsightly because they are probably stored in a manner that is properly screened."

**KROUT:** "And I think we have some requirements in the code, but there are a couple of loop holes, that maybe you could fix with just some small additions in a Protective Overlay."

**WARREN:** "I would hate to deny that use in that area. With what he's asking for industrial, light industrial, and an overlay, that he's offered here."

**WHEELER:** "Chairman I'd like to hear the rest of the case before we make a decision."

**GAROFALO:** "Commissioner Barfield, did you have a question?"

**BARFIELD:** "Well I was just gonna say, that I could maybe agree with Commissioner Warren if we had provision where there was proper screening on three sides of this property."

**KROUT:** "Yeah, The next one, there is probably two loopholes. In the code on screening that would apply to this? One is that the only screening that is required is screening from 21<sup>st</sup> Street as opposed to neighboring, property owners or some internal street that may occur. And the other thing is that the screening is only applicable if the storage is 150 feet from that arterial street and so again you could have something that is just over a 150 feet that wouldn't be screened. Probably if you close those two loopholes, require complete screening and not limited to 150 feet you would deal with most of that problem."

**WARREN:** "Can we put that into the overlay?"

**KROUT:** "Sure"

**WARREN:** "Would you agree to that if it had the overlay?"

**EWY:** "Quite frankly I thought we had, I had worked on the assumption that that was a requirement. I guess we do have. I don't know if that was waived then since we had Industrial Park behind us, but I think it was the intent to be able to enclose, our any outdoor storage use, rather it's for a contractors yard or rather it's for a body shop etc. I think what we were trying to get away with, and I agree with you the fact that most grandfathered existing body shops you have parts of fenders laying out front and wheels screening fences made of car hoods and stuff like that so."

**GAROFALO:** "Are there any other questions of Russ? Okay Russ are you done, finished with your presentation at this point?"

**EWY:** "Yes"

**GAROFALO:** "Is there anyone else to speak in favor of this application? Is there anyone here to speak in opposition? If not, we'll bring it back to the commission then."

**KROUT:** "Full screening without limitation as to, on which direction or maximum."

**WARREN:** "And that be in the case of a body shop application."

**HENTZEN:** "Can you name the directions?"

**KROUT:** "All directions for cars."

**KNEBEL:** "When you mentioned subject to the Protective Overlay in staff comments, are you meaning adding the vehicle sales and the outdoor recreation to the list of not permitted uses? Is that what you were referring to."

**WARREN:** "Can I ask the applicant, what do you think about outdoor sales? Automotive sales. Would you be amenable to restricting that in the overlay? If you'll take that out of the overlay then, and so his overlay would include, the limitation, or the denial of vehicle sales, but would include body shops under the screening we were talking, that we've talked about."

**HENTZEN:** "Mr. Chairman, are you talking about screening between the two red zones up there?"

**KNEBEL:** "In the screening would be just for body shops?"

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**KROUT:** "You're talking about screening cars that may be stored and wrecked and waiting for repair from the next door neighbor who maybe some other industrial us that doesn't want to look on that property. If you think that's not necessary then, you can..."

**WARREN:** "I don't think it's that hard to do Bud."

**HENTZEN:** "Yeah, I...Let's be sure to put an iron gate on that wall, wherever there is an opening."

**KNEBEL:** "And the screening is just for body shop use, is that right?"

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**WARREN:** "And just for outside storage."

**KNEBEL:** "Okay, any outside storage?"

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**HENTZEN:** "I'll second your motion."

**GAROFALO:** "Commissioner Marnell."

**MARNELL:** "Marvin, on Hoover with the bridge talking about coming across in the feature up north, what's the plan for Hoover and does this reduce setback create a problem with that? Will that be taken care of then at plat."

**KROUT:** "We'll get additional right of way for Hoover that'll be adequate at the time of platting. I think everyone realizes that the 35 foot setback should be adequate. Even if it was Industrial Park, they could have come in and established a 35, vs. a 50 setback, and I think that's on some of the lots, maybe the applicant is going to do but I think it was adequate before right-of way than 35 foot setback should be adequate."

**GAROFALO:** "Commissioner Wheeler."

**WHEELER:** "My question was on the motion. If something other than a body shop goes there, does it require any outdoor storage be screened?"

**GAROFALO:** "No"

**WHEELER:** "I mean we've been through this with all kinds of other uses and if we have outdoor storage rather it's contractors use or stored materials, whatever, we've required outdoor storage to be screened. I guess I would support the context of the motion as long we're screening other things."

**GAROFALO:** "I don't think even "IP" requires that does it?"

**KROUT:** "No but, I would suggest that in order to keep a clean and attractive image in this area as development starts out if you think about Comotara, which is zoned Limited Industrial. There are private covenants and I'm sure I've seen them, but I'm sure the private covenants don't allow open storage not to be screened out there in the Industrial Park. I think that people move out to that park because they know, that there are some, that there some restrictions on what their neighbors can do and what their property is going to look like and they are looking for something that is fairly clean and attractive. While we relied on the developer to place those restrictions at Comotara, I'm not sure given the image that is area has now, that we shouldn't try to get these developments out on the right foot, by putting that kind of restriction for all around screening on this property."

**WHEELER:** "Did we apply that after storage screening to the other parcel to the east?"

**KROUT:** "You know I don't recall if we did, no."

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**BARFIELD:** "If I'm hearing the applicant correctly, he is saying that he's already assumed that that was going to be a necessity anyhow am I not correct?"

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**BARFIELD:** "No, no, that's not what he said."

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**WARREN:** "Outdoor storage."

**BARFIELD:** "Would you mind clarifying that sir."

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**WARREN:** "The only way to accomplish that would be in your Protective Overlay."

**EWY:** "Correct."

**WARREN:** "That I can see, and you're willing to do that."

**EWY:** "Correct."

**GAROFALO:** "Commissioner Hentzen"

**HENTZEN:** "Mr. Chairman, depth of your lot from Hoover to your property line is about a hundred and some feet."

**EWY:** "I think currently we have 280 feet we'll plan on dedicating an additional ten feet of right of way to bring."

**HENTZEN:** "What is the right of way"

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**HENTZEN:** "Another 35 feet for set back. He'll have a little bit of his land left to operate on."

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**JOHNSON:** "Marvin, since that other property to the east of this has just been in front of us in with this and now, if they're agreeing to this screening around a storage yard, apparently, there is going to be a construction yard at the north, third and the center is going to be a body shop, so two-thirds of it is gonna be screened. By them offering that does that change your opinion about having an access to the north of this?"

**KROUT:** "An access to the north? Access to 21<sup>st</sup> Street, previous traffic?"

**JOHNSON:** "You're talking about in a platting situation, you was gonna require, I mean think it's great that they're offering to screen this and kind of seclude it so you don't see it. But I don't...all of a sudden then, he's, it comes time to plat it, he's gotta put a street to go across the north end of this, I think almost defeats it's purpose. I'd almost rather see it not require that second."

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**GAROFALO:** "Are there any other questions of Russ? Okay Russ are you done, finished with your presentation at this point?"

**EWY:** "Yes."

**GAROFALO:** "Is there anyone else to speak in favor of this application? Is there anyone here to speak in opposition? If not, we'll bring it back to the commission then."

**WARREN:** "I would move that the application be approved as presented with industrial, Limited Industrial zoning, and that zoning would be subject to the overlay that was offered. The other staff comments and a further restriction in that overlay identifying screening as required to being it to what Marvin?"

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4. Case No: ZON 2000-00009 Request: Zone change to "B" Multi-Family Residential for a limited group residence for adolescent girls (ages 14-17 with a maximum of eight children) Existing Zoning: "LI" Limited Industrial, described as:

Lot 16, Cumley's Addition, Sedgwick County, Kansas. General Location: West side of St. Francis between Elm & Pine (609 North St. Francis).

**BARRY CARROLL**, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

**BACKGROUND:** The applicant is requesting a *Conditional Use* permit to allow the construction of two duplex residential structures on 0.38 acres (one lot) of platted property currently zoned "*SF-6*" *Single-Family Residential*. The application area is a rectangular shaped parcel and is located on the east side of *Walnut* and south of *31<sup>st</sup> Street South* (see map). The property surrounding the application area is zoned "*SF-6*." The area has a mixture of single and multi-family residential uses. Access to the property is currently from the east via *Walnut*. The applicant has submitted a site plan for review.

The applicant is proposing to build two duplex residential structures (four dwelling units) on one lot (110' x 152' with an eight foot easement). There are three duplexes located to the east and north of the application area. Each of the three duplexes is located on lots that are 83 feet wide. The applicant's proposal (for two duplexes on one lot) will be considerably more dense than the adjacent duplexes.

*Walnut* is wide enough to accommodate on-street parking on both sides plus two moving lanes. Currently, the *Unified Zoning Code* (UZC) requires one off-street space per dwelling unit. In addition to the on-street parking requirements, tenants will need to park off-street, in tandem, in the driveways of the proposed duplexes.

**CASE HISTORY:** The property was platted in 1960 as part of the *Cumley's Addition*.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-6" Single-Family Residential	Single-Family Residential
EAST:	"SF-6" Single-Family Residential	Multi-Family Residential
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residential
WEST:	"SF-6" Single-Family Residential	Single-Family Residential

**PUBLIC SERVICES:** The site has access from *Walnut Street*, a paved two-lane residential street. Traffic volumes are not rated. Water and sewer services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The *Land Use Guide* of the *Comprehensive Plan* identifies the application area as "low density residential." The plan states: "*This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot lines units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units.*"

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood is zoned "*SF-6" Single-Family Residential*. The character of the neighborhood is one of mixed uses with single-family homes and duplexes to the northeast.
2. The suitability of the subject property for the uses to which it has been restricted: The purpose of the "*TF-3" Multi-Family* district is to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The adjacent properties are zoned "*SF-6"* and permit single-family uses. The addition of duplexes (four dwelling units) on two small lots will likely generate additional traffic for the neighborhood.
4. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The request is consistent with the objective stating: "*This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot lines units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units.*"
5. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal but will likely generate additional traffic.

**BARRY CARROLL:** Planning Staff, Agenda item # 4.) "The applicant Donna Bryant is in attendance. The request is for a zone change from the "LI" industrial to the "B" Multi-Family district. Current zoning is "LI" as you can see up here on the map. The location is North St. Francis and Elm, 609 North St. Francis the purposes use is for limited group residence for adolescent girls. I'll show you some slides of the area. This is the house in question. It's taken from the south looking to the north. This is from the north looking south to the rear of the property. Looking from the west, looking east. That's a north view. That's the "Nifty Nuthouse" there to the south and that's a vacant lot to the north that's not owned by the applicant. To the west is an alley with some vacant four-plexes. To the north is the Metro School. To the north is a parking lot that is not owned by the applicant. To the northeast is a non-profit business.. Then to the far north is St. Francis and to the south is St. Francis.

The applicant is proposing a group residence for adolescent girls with a maximum of eight in this facility at any one time. There will be staff there 24 hours a day. The children will be ages fourteen to seventeen. They will be required to attend either public school or vocational school. This area is well situated with schools that surround it. The applicant will have to secure state license to operate this facility. I think you have been provided some memorandums from the District Advisory Board. And the Historic Preservation Board. The applicant has met with the CORE Neighborhood Association and the Historic Mid-Town Neighborhood Association. I am pleased to report that all associations have been supportive of this request. Currently this area is being studied as part of the center-city organized revitalization effort. In summary, planners are trying to get more residential uses in this area that had been previously zoned "Limited Industrial". We are recommending that this request be approved. I would respond to any questions you might have."

**GAROFALO:** "Any questions of Barry? We'll hear from the applicant. Commissioner Barfield."

**BARFIELD:** "I don't see anything about security at this facility."

**CARROLL:** "There will be staff there twenty-four hours a day. I think the applicant can respond to that."

**GAROFALO:** "Any other questions? Okay, we'll hear from the applicant or agent."

**BRYANT:** "My name is Donna Bryant and I am the applicant. What was the nature of your question?"

**BARFIELD:** "Security"

**BRYANT:** "The house would be secured with twenty-four staff and we also have security from Alert System. I don't think we need really hard security because it's just for unfortunate kids and truancy children."



**BARFIELD:** "I guess I was thinking about the immediate area around there. It's one of the things I had in mind. That area has been kind of a high crime area. There has been quite heavily drug related and things of those natures."

**BRYANT:** "Well, I wasn't aware of that. It seems pretty quiet. Maybe it was, maybe it's been tuned down. Really, no body is in that neighborhood."

**BARFIELD:** "Well I'm just thinking, I'm speaking In terms of about the sixth or seventh hundred block of Topeka."

**BRYANT:** "The children wouldn't have a whole lot of freedom to just be around the area anyway."

**GAROFALO:** "Commissioner HENTZEN"

**HENTZEN:** "How old would the occupants be? From what to what?"

**BRYANT:** "Fourteen to seventeen."

**HENTZEN:** "Fourteen to seventeen. The limitation on the number of eight written in here. Is that your limitation or, why would we as a zoning use limit the number?"

**KROUT:** "We're not; there is not a Protective Overlay that's limiting it and so more children could be permitted. That's just what they are saying they have in mind, but there's nothing that in the staff recommendation that would limit the number."

**HENTZEN:** "What I'm thinking is when we establish zoning, say for residential. Eight would not be large enough for my family. So am I eligible to live there? And what I'm saying to them is, supposing something comes up and they need to have ten there. Do they have to ask the godfather city to do that? All I'm asking is why are we putting a limit of number of eight?"

**Miller:** "I think she is..."

**HENTZEN:** "Well I know she is, but she was probably told by somebody to do that."

**KROUT:** "I think I tried to explain, we are not recommending a limitation. There are three classifications of group residences. And in "B", in some zoning districts that are lower density zoning districts, then, there are limits in a general group residence, and I think the number is fifteen, a grade point fifteen between those so if you want to do a limited group residence, actually limited or general which is over fifteen which are both permitted in the "B" district. Here in the lesser zoning district, and you want to do a general or, you can only do a more limited under fifteen. But in this zoning district, they are asking for "B" they can do over fifteen, there is not a limitation in the zoning code. We're not asking you to put any limitation on it."

**HENTZEN:** "Okay What does that purple up there mean in this block on both sides?. "General Commercial."

**KROUT:** "The areas that are more magenta are "General Commercial", the areas that are more blue are "Limited Industrial". "Limited Industrial" does not permit any residential uses, so that why she has to have a zoning change."

**GARAFALO:** Do you have anything else, that you would like to add ma'am?"

**BRYANT:** "No, not really."

**GARAFALO:** "I had a question as to what kind of freedom would these girls have."

**BRYANT:** "What kind of freedom?"

**GARAFALO:** "I mean they can come and go as they please?"

**BRYANT:** "No! They won't be able to come and go as they please. They will have restrictions of what time to be in. They will be well monitored on the hours they will be at school. Hopefully, some will be in training or employed. The facility will allow other kind of activities for them to attend. They will be able to go out with passes with family."

**KROUT:** "I'm just curious, is this the use that requires a licensed from the state? You have to be licensed by SRS as is it."

**BRYANT:** "Well I know it has to be licensed by the state. But I think to be eligible for SRS's clients they would have to send. Then we would probably have to have guidelines with them. Pretty much all they ask now is that the house is safe, and that you do have license."

**GARAFALO:** "Would most of the girls be recommended to your place from the juvenile court?"

**BRYANT:** "I don't think so. Some will be private referrals. Somebody that just wants to bring one of their children for a certain amount of time. Some will probably be from the YRH (Youth Residence Hall) or the juvenile courthouses. But like I said, we won't take anymore than just truancy. That is the limit I'll go with that."

**GARAFALO:** "Truancy. Truancy?"

**BRYANT:** "Truancy. Ones that don't go to school. I'm saying that it won't be anybody there that is being picked up for something real serious like, gang related, in a real heavy crime like, drive by shootings or anything like that."

**GARAFALO:** "Thank You!"

**BRYANT:** "Thank you!"

**GARAFALO:** "Is there anyone else here to speak in support of this application? Anyone to speak in opposition? We'll bring it back to the commission then. Commission Marnell"

**MARNELL:** "Marvin just a follow up to what Bud said, to make sure it's clear to me. If we just approve this just like it was requested does it limit it to eight tenants?"

**KROUT:** "No."

**MARNELL:** "Okay, thanks"

**GARAFALO:** "Why would, the Historical Preservation Board be involved with this unless work was done on the exterior. Was it because it's in a historic neighborhood? Cause the house isn't a Historic Landmark, is it?"

**CARROLL:** "It's within 500 feet of a historic property. The Judge Wall House."

**KROUT:** "Property that is on the state or national register has to be reviewed by them. Anything within a 500 radius."

**GARAFALO:** "Commissioner Wheeler"

**WHEELER:** "I Move to approve subject to staff comments."

**PLATT:** "Second"

**GARAFALO:** "Seconded by Commissioner Barfield. Any discussion, all in favor say auh, opposed. Approved."

**Motion:** That the ZON 2000-00009 be approved subject to staff recommendations.

**WHEELER** moved, **PLATT**, seconded the motion, and it carried unanimously (10-0).

**GARAFALO:** Okay. Agenda Item #5

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5. **Case No: ZON2000-00010** Zone change to "LI" Limited Industrial from "SF-6" Single-Family Residential described as:

The North 20 feet of Lot 16 and all of Lot 18, on Fourth Avenue now St. Francis, J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas, Generally located on the Northeast corner of Harry Street and Seville Street (9520 W. Harry).

**BARRY CARROLL**, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

**BACKGROUND:** The applicant, Harper's, Inc., is requesting approval of "LI" Limited Industrial zoning on 10 acres of unplatted property currently zoned "SF-6" Single-Family Residential. The application area is a trapezoid shaped parcel and is located at the corner of Harry and Seville Streets (see site plan). Seville Street is located on the west, Harry Street is located to the south and the AT&SF Railroad is located on the northern edge of the property.

Starting in 1948, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in 1996 and was subsequently purchased by Allen's Concrete, Inc. (parcel owner). Access to the site is currently from one entrance on the west via Seville Street (unpaved) and one on the south from Harry Street (unpaved). The applicant would like two additional entrances, or a total of three, along Harry Street.

The applicant has submitted a site plan for review (see attachment). There are plans to platt the property into two parcels. The largest parcel (7.1 acres) will be primarily for a freight business and a smaller "out parcel" (2.9 acres) is planned for the eastern area. There are plans to remodel an existing concrete structure located in the northwest corner of the larger parcel. Truck parking is planned for the center of the property; personal storage units are planned along the northern edge and bulk storage in the eastern part of the largest parcel. There are no identified uses for the smaller parcel at this time. The smaller parcel may be sold at a later time.

The majority of the 10-acre site consists of concrete slab paving. Per the zoning code, a screening fence, landscaping or berming will be required along the east property line, which is adjacent to "SF-6" zoned land. Mechanical equipment and outdoor work and storage areas must also be screened on all non-residential developments, except those located along local or collector streets founded on both sides by "OW," "IP," "LI," or "GI" zoning. Screening to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, outdoor storage, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses (see UZC pages 159-160 for compatibility standards). The applicant will need to submit a Landscaping Plan for review which is consistent with the Landscaping Code – landscaped street yards

and buffer landscaping by the property line plus parking with screening of any parking along Harry and Seville, and buffer landscaping along the east property line.

There are three businesses on the properties north of the application area and they are zoned "GC" General Commercial. The golf course south of the application area is zoned "SF-6" Single-Family Residential, the property east is a single family residence and zoned "SF-6," and the property to the west is also "SF-6" and developed as a park.

**CASE HISTORY:** None. [A concrete plant was on the site from 1948 until 1996 as a non-conforming use.]

**ADJACENT ZONING AND LAND USE:**

<b>NORTH:</b>	"GC" General Commercial	Three Retail Businesses
<b>EAST:</b>	"SF-6" & "LI" Limited Industrial	Single-Family Residence
<b>SOUTH:</b>	"SF-6" Single-Family Residential	Municipal Golf Course
<b>WEST:</b>	"SF-6" Single-Family Residential	Municipal Park

**PUBLIC SERVICES:** Harry Street is an unpaved two-lane street. The 10-acre site has one entrance from Harry Street and one from Seville Street, an unpaved two-lane street. Traffic volumes are not rated. There is no City water on site. The closest City water is located east of the site and along Harry Street. Sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies the application area as being appropriate for industrial uses. The Plan contains an objective stating: "Promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses.

At the time of platting, the applicant may consider the following three options: 1) If the 10-acre parcel is platted into one large parcel, the applicant shall be required to pave Seville Street, from Kellogg Drive to the northwest entrance along Seville Street near the railroad tracks; 2) If the 10-acre parcel is platted into two parcels, the applicant would need to pave Seville Street, from Kellogg Drive to the northwest entrance along Seville Street near the railroad tracks for Parcel #1 and pave Harry Street from Tyler Street to the entrance at the southeast corner of Parcel #2; or 3) The applicant may circulate and attempt to secure a majority-paving petition for either Seville or Harry Streets in an effort to reduce paving costs.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to platting within a period of one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the adjacent properties are zoned "SF-6" Single-Family Residential and the adjacent businesses to the north are zoned "GC" General Commercial. The character of the neighborhood is one of mixed uses with commercial uses located to the north, a single-family home to the east, a municipal golf course to the south and a public park to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and has been used in a non-conforming manner from the 40's through 90's. The site is also located adjacent to railroad tracks. The property is not suitably zoned today.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A variety of uses surround the site. There are retail businesses to the north, a public golf course to the south, a park to the west and a signal family residence to the east. There should be minimal detrimental impacts on the nearby properties for the proposed "LI" Limited Industrial recommended for this request. The purpose of the "LI" Limited Industrial district is to "promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses. Starting in the late 40's, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in the late 90's and was subsequently purchased by Allen's Concrete, Inc. The site appears appropriate for a tractor-trailer truck freight terminal. The site could be developed with uses permitted in the "LI" Limited Industrial District.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is consistent with the Land Use Guide and with an objective stating: "Promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses.
5. Impact of the proposed development on community facilities: The projected impact on community facilities could be considerable. The proposed truck freight business will likely generate increased traffic.

**BARRY CARROLL:** "Planning Staff, Agenda item #5. The owner is Allen's Concrete. Harper's Inc, is the applicant. Mark Chappelle and Gary Goodson are the agents; they are in attendance today. The request is for a zone change from Single-Family Residential to "LI" or Limited Industrial at this location. It is a ten acre parcel. The corner of Harry Street and Seville Street, just to give you a little reference, just to the west is where the B-47 used to stand. The purposed use for this facility is a freight terminal for tractor trailer trucks. This is the Aerial map. The area was used as far back as 1948 as a concrete plant."

**WARREN:** "Refer back to that one you just showed."

**MILLER:** "The Aerial"

**CARROLL:** "Okay."

**WARREN:** "Okay. Show us where that old B-47 was."

**CARROLL:** "This little pod right there. There is a railroad tract right there, west Kellogg and there is a little entrance."

**WARREN:** "No, 47th was right there."

**CARROLL:** "This facility was used, starting back in 1948, as the Walt Keeler Concrete Plant. And to our surprise, it is zoned "Single Family-6". Looking southwest is the Pawnee Prairie Park. Also the park, that's a north view from Harry, which is an unpaved street looking north. That's the golf course, looking south. Northeast there is an entrance. Along Harry there is a Single Family house to the east. Again looking north from Harry that's the Single Family to the east. Railroad tracts are to the north; that's a north view of the concrete screening wall. That's the northeast look. There are three businesses to the north that are all zoned "GC" "General Commercial". The plan is to plat this into two large parcels; one larger parcel 7.1 acres which will be for the terminal business and a smaller out parcel 2.9 acre to the east. No uses are identified at this point. Currently there is no city water on site. The closest city water is located to the east of the site along Harry Street. The land-use guide of the comprehensive plan identifies this area as being appropriate or industrial uses. And staff is recommending that this request be approved, subject to platting, within a period of one year. I would respond to any question you might have."

**GAROFALO:** "Any questions of Barry, Barry, would you point out where the accesses are?"

**CARROLL:** "Yes, Right here there's a northwest corner, one right here. The applicant would like to have three access points along Harry."

**GAROFALO:** "Any other questions?"

**CARROLL:** "Seville is an unpaved street, I might add."

**GAROFALO:** "And so is Harry"

**HENTZEN:** "Harry to..."

**CARROLL:** "So is Harry."

**HENTZEN:** "From Tyler Road west."

**GAROFALO:** "We'll hear from the applicant or agent."

**MARK CHAPPELLE:** "Representing Harper's Inc., We're just basically asking for zoning that the property has been used for the last fifty years or so. Do you have any questions?"

**GAROFALO:** "Any questions of the applicant?"

**KROUT:** "In the Staff Report, we talked the likelihood that some sort of guarantees to participate the street improvements, is that going to be a problem?"

**CHAPPELLE:** "Well, we agreed with everything on your proposal. That you submitted, I don't have any problems with any of the recommendations. The only problem we'd have is paving Harry from Tyler into Seville. We might want to change a platting. We wouldn't want to pay to pave that much paving. That's about half-mile."

**KROUT:** "No, I don't think, that we would ask for that."

**CHAPPELLE:** "Everything else looks fine."

**KROUT:** "Some kind of paving results will likely have to occur."

**CHAPPELLE:** "The sewer is already there. We'll need a manhole to access the sewer and water is about halfway down Harry. And the other people in the area you know have said that they'd like to have water. I just don't see any problem with water or any of the conditions."

**GAROFALO:** "How many trucks do you anticipate going in and out of there?"

**CHAPPELLE:** "Right now, see most of the applicants hauling is over the road, so there is only three to six trucks a day come in and out there. Basically what he's going to do is remodel the buildings that are already there. As you know there is a repair shop already there. There are some storage buildings there. He is going to remodel part of the other buildings and the offices. About half of that, five acres, is hard surface concrete. And so he would like to be able to park his truck, and repair them."

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**GAROFALO:** "You have a limited number of trucks then like 6 trucks; a day doesn't sound like a whole lot to me. Why do you think you need 3 accesses on Harry?"

**CHAPPELLE:** "Well, originally when we look at this thing we were thinking at platting it into three or four parcels you know but...we're not so sure we're gonna do that now. And we wanted access for each one. We were gonna divide it up into like two acre lots. If he ever wanted to sell off parts of it or anything. That was the only reason for that.

**GAROFALO:** "Any other questions? Okay. Thank you. Is there anyone else to speak in favor of this application? Is there anyone to speak in opposition? Seeing none, I will take it back to the commission."

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: Most of the adjacent properties are zoned "SF-6" Single-Family Residential and the adjacent businesses to the north are zoned "GC" General Commercial. The character of the neighborhood is one of mixed uses with commercial uses located to the north, a single-family home to the east, a municipal golf course to the south and a public park to the west. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and has been used in a non-conforming manner from the 40's through 90's. The site is also located adjacent to railroad tracks. The property is not suitably zoned today. Extent to which removal of the restrictions will detrimentally affect nearby property. A variety of uses surround the site. There are retail businesses to the north, a public golf course to the south, a park to the west and a single family residence to the east. There should be minimal detrimental impacts on the nearby properties for the proposed "LI" Limited Industrial recommended for this request. The purpose of the "LI" Limited Industrial district is to "promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses. Starting in the late 40's, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in the late 90's and was subsequently purchased by Allen's Concrete, Inc. The site appears appropriate for a tractor-trailer truck freight terminal. The site could be developed with uses permitted in the "LI" Limited Industrial District. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is consistent with the Land Use Guide and with an objective stating: "Promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses. Impact of the proposed development on community facilities: The projected impact on community facilities could be considerable. The proposed truck freight business will likely generate increased traffic). I move that we recommend to the governing body that the request be approved, subject to platting within one year.

**BARFIELD** moved, **HENTZEN**, seconded the motion, and it carried unanimously (9-0).

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**GAROFALO:** "Commissioner Wheeler has something to say."

**WHEELER:** "I may have to leave the meeting at 3:00 p.m., and I wanted to let the Planning Commission know that I have resigned. My resignation has not been personally accepted until next Wednesday, by the County Commission. This will probably be my last Planning Commission meeting. I want to tell all of my fellow Planning Commissioners it's been a privilege, education and a challenge at times. I have enjoyed serving with everyone and working with the staff on the Planning Commission. The primary reason I have decided to do this at this time is for personal reasons, to spend time with my family and fulfill some other commitments that I need to take care of so."

**KROUT:** "Your gonna have a life?"

**GAROFALO:** "I'm sorry to hear that. I've enjoyed having you on the Commission since I've been on it."

**WHEELER:** "I appreciate that and hopefully I will see all of you around in some sort or fashion. And I'll stay for this for as long as I can."

**KROUT:** "There is no action that's going to be required. It's just a briefing."

**GAROFALO:** "Commissioner Platt"

**MOTION:** I move that the Planning Commission express our deep appreciation to Commissioner Wheeler for her service. And that the motion be a part of the record, that Commissioner Wheeler statement of resignation be a part of the record and farewell from the Commissioners.

**PLATT** moved, **OSBORN-HOWEES**, seconded the motion, and it carried unanimously (9-0).

5. **Case No: ZON2000-00010** - Request: Zone change to "LI" Limited Industrial Existing Zoning: "SF-6" Single-Family Residential  
General Location: Northeast corner of Harry Street and Seville Street (9520 W. Harry). Described as:

Beginning at the Southwest Corner of the Southeast quarter of Section 29, Township 27 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas; thence East of the South line of the said Southeast Quarter, 875.5 feet; thence North parallel to the line of said Southeast Quarter, 593 feet more or less, to the South line of the A.T. & S.F. Railroad Right of Way, thence Westerly On said South Line 897.5 feet, more or less, to the West line of Said Southeast Quarter, thence South 402.5 feet to the point of beginning.

**BARRY CARROLL** "Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

**BACKGROUND:** The applicant, *Harper's, Inc.*, is requesting approval of "LI" Limited Industrial zoning on 10 acres of unplatted property currently zoned "SF-6" Single-Family Residential. The application area is a trapezoid shaped parcel and is located at the corner of *Harry* and *Seville Streets* (see site plan). *Seville Street* is located on the west, *Harry Street* is located to the south and the AT&SF Railroad is located on the northern edge of the property.

Starting in 1948, the site served as the *Walt Keeler Concrete Plant*. The plant ceased operation in 1996 and was subsequently purchased by *Allen's Concrete, Inc.* (parcel owner). Access to the site is currently from one entrance on the west via *Seville Street* (unpaved) and one on the south from *Harry Street* (unpaved). The applicant would like two additional entrances, or a total of three, along *Harry Street*.

The applicant has submitted a site plan for review (see attachment). There are plans to platt the property into two parcels. The largest parcel (7.1 acres) will be primarily for a freight business and a smaller "out parcel" (2.9 acres) is planned for the eastern area. There are plans to remodel an existing concrete structure located in the northwest corner of the larger parcel. Truck parking is planned for the center of the property; personal storage units are planned along the northern edge and bulk storage in the eastern part of the largest parcel. There are no identified uses for the smaller parcel at this time. The smaller parcel may be sold at a later time.

The majority of the 10-acre site consists of concrete slab paving. Per the zoning code, a screening fence, landscaping or berming will be required along the east property line, which is adjacent to "SF-6" zoned land. Mechanical equipment and outdoor work and storage areas must also be screened on all non-residential developments, except those located along local or collector streets founded on both sides by "OW," "IP," "LI," or "GI" zoning. Screening to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, outdoor storage, outdoor work areas or similar uses from any residential zoning district or public street right-of-way located within 150 feet of such uses (see UZC pages 159-160 for compatibility standards). The applicant will need to submit a *Landscaping Plan* for review which is consistent with the Landscaping Code – landscaped street yards and buffer landscaping by the property line plus parking with screening of any parking along *Harry* and *Seville*, and buffer landscaping along the east property line.

There are three businesses on the properties north of the application area and they are zoned "GC" General Commercial. The golf course south of the application area is zoned "SF-6" Single-Family Residential, the property east is a single family residence and zoned "SF-6," and the property to the west is also "SF-6" and developed as a park.

**CASE HISTORY:** None. [A concrete plant was on the site from 1948 until 1996 as a non-conforming use.]

**ADJACENT ZONING AND LAND USE:**

<b>NORTH:</b>	"GC" General Commercial	Three Retail Businesses
<b>EAST:</b>	"SF-6" & "LI" Limited Industrial	Single-Family Residence
<b>SOUTH:</b>	"SF-6" Single-Family Residential	Municipal Golf Course
<b>WEST:</b>	"SF-6" Single-Family Residential	Municipal Park

**PUBLIC SERVICES:** *Harry Street* is an unpaved two-lane street. The 10-acre site has one entrance from *Harry Street* and one from *Seville Street*, an unpaved two-lane street. Traffic volumes are not rated. There is no City water on site. The closest City water is located east of the site and along *Harry Street*. Sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies the application area as being appropriate for industrial uses. The Plan contains an objective stating: "Promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses.

At the time of platting, the applicant may consider the following three options: 1) If the 10-acre parcel is platted into one large parcel, the applicant shall be required to pave *Seville Street*, from *Kellogg Drive* to the northwest entrance along *Seville Street* near the railroad tracks; 2) If the 10-acre parcel is platted into two parcels, the applicant would need to pave *Seville Street*, from *Kellogg Drive* to the northwest entrance along *Seville Street* near the railroad tracks for Parcel #1 and pave *Harry Street* from *Tyler Street* to the entrance at the southeast corner of Parcel #2; or 3) The applicant may circulate and attempt to secure a majority-paving petition for either *Seville* or *Harry Streets* in an effort to reduce paving costs.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be



APPROVED, subject to platting within a period of one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the adjacent properties are zoned "SF-6" Single-Family Residential and the adjacent businesses to the north are zoned "GC" General Commercial. The character of the neighborhood is one of mixed uses with commercial uses located to the north, a single-family home to the east, a municipal golf course to the south and a public park to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and has been used in a non-conforming manner from the 40's through 90's. The site is also located adjacent to railroad tracks. The property is not suitably zoned today.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A variety of uses surround the site. There are retail businesses to the north, a public golf course to the south, a park to the west and a single family residence to the east. There should be minimal detrimental impacts on the nearby properties for the proposed "LI" Limited Industrial recommended for this request. The purpose of the "LI" Limited Industrial district is to "promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses. Starting in the late 40's, the site served as the Walt Keeler Concrete Plant. The plant ceased operation in the late 90's and was subsequently purchased by Allen's Concrete, Inc. The site appears appropriate for a tractor-trailer truck freight terminal. The site could be developed with uses permitted in the "LI" Limited Industrial District.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is consistent with the Land Use Guide and with an objective stating: "Promote industrial activities and development in a manner that is compatible with the built and natural environment." The primary location determinants are the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses.
5. Impact of the proposed development on community facilities: The projected impact on community facilities could be considerable. The proposed truck freight business will likely generate increased traffic.

**CARROLL:** "The owner is Allen's Concrete. Harper's Inc, is the applicant. Mark Chappelle and Gary Goodson are the agents; they are in attendance today. The request is for a zone change from Single-Family Residential to "LI" or Limited Industrial at this location. It is a ten acre parcel. The corner of Harry Street and Seville Street, just to give you a little reference, just to the west is where the B-47 used to stand. The purposed use for this facility is a freight terminal for tractor trailer trucks. This is the Aerial map. The area was used as far back as 1948 as a concrete plant."

**WARREN:** "Refer back to that one you just showed."

**MILLER:** "The Aerial"

**CARROLL:** "Okay."

**WARREN:** "Okay. Show us where that old B-47 was."

**CARROLL:** "This little pod right there. There is a railroad tract right there, west Kellogg and there is a little entrance."

**WARREN:** "No, 47th was right there."

**CARROLL:** "This facility was used, starting back in 1948, as the Walt Keeler Concrete Plant. And to our surprise, it is zoned "Single Family-6". Looking southwest is the Pawnee Prairie Park. Also the park, that's a north view from Harry, which is an unpaved street looking north. That's the golf course, looking south. Northeast there is an entrance. Along Harry there is a Single Family house to the east. Again looking north from Harry that's the Single Family to the east. Railroad tracts are to the north; that's a north view of the concrete screening wall. That's the northeast look. There are three businesses to the north that are all zoned "GC" "General Commercial". The plan is to plat this into two large parcels; one larger parcel 7.1 acres which will be for the terminal business and a smaller out parcel 2.9 acre to the east. No uses are identified at this point. Currently there is no city water on site. The closest city water is located to the east of the site along Harry street. The land-use guide of the comprehensive plan identifies this area as being appropriate for industrial uses. And staff is recommending that this request be approved, subject to platting, within a period of one year. I would respond to any question you might have."

**GARAFALO:** "Any questions of Barry, Barry, would you point out where the accesses are?"

**CARROLL:** "Yes, Right here there's a northwest corner, one right here. The applicant would like to have three access points along Harry."

**GARAFALO:** "Any other questions?"

**CARROLL:** "Seville is an unpaved street, I might add."

**GARAFALO:** "And so is Harry"



**HENTZEN:** "Harry to..."

**CARROLL:** "So is Harry."

**HENTZEN:** "From Tyler Road west."

**GARAFALO:** "We'll hear from the applicant or agent."

**MARK CHAPPELLE:** "Representing Harper's Inc., We're just basically asking for zoning that the property has been used for the last fifty years or so. Do you have any questions?"

**GARAFALO:** "Any questions of the applicant?"

**KROUT:** "In the Staff Report, we talked the likelihood that some sort of guarantees to participate the street improvements, is that going to be a problem?"

**CHAPPELLE:** "Well, we agreed with everything on your proposal. That you submitted, I don't have any problems with any of the recommendations. The only problem we'd have is paving Harry from Tyler into Seville. We might want to change a platting. We wouldn't want to pay to pave that much paving. That's about half-mile."

**KROUT:** "No, I don't think, that we would ask for that."

**CHAPPELLE:** "Everything else looks fine."

**KROUT:** "Some kind of paving results will likely have to occur."

**CHAPPELLE:** "The sewer is already there. We'll need a manhole to access the sewer and water is about halfway down Harry. And the other people in the area you know have said that they'd like to have water. I just don't see any problem with water or any of the conditions."

**GARAFALO:** "How many trucks do you anticipate going in and out of there?"

**CHAPPELLE:** "Right now, see most of the applicants hauling is over the road, so there is only three to six trucks a day come in and out there. Basically what he's going to do is remodel the buildings that are already there. As you know there is a repair shop already there. There are some storage buildings there. He is going to remodel part of the other buildings and the offices. About half of that, five acres, is hard surface concrete. And so he would like to be able to park his truck, and repair them."

**GARAFALO:** "You have a limited number of trucks then like 6 trucks; a day doesn't sound like a whole lot to me. Why do you think you need 3 accesses on Harry?"

**CHAPPELLE:** "Well, originally when we look at this thing we were thinking at platting it into three or four parcels you know but...we're not so sure we're gonna do that now. And we wanted access for each one. We were gonna divide it up into like two acre lots. If he ever wanted to sell off parts of it or anything. That was the only reason for that."

**GARAFALO:** "Any other questions? Okay. Thank you. Is there anyone else to speak in favor of this application? Is there anyone to speak in opposition? Seeing none, I will take it back to the commission. Commissioner Hentzen."

**BARFIELD:** "I move to approval if there are no staff comments."

**GARAFALO:** "We have a motion."

**HENTZEN:** "Second the motion."

**GARAFALO:** "Seconded by commissioner Hentzen. Any discussion? Motion Passes."

**Motion:** That the ZON2000-00010 case be approved.

**BARFIELD** moved, **HENTZEN**, seconded the motion, and it carried unanimously (10-0).

**GAROFALO:** "Commissioner Wheeler has something to say."

**Wheeler:** "I may have to leave the meeting at 3:00 p.m., and I wanted to let the Planning Commission know that I have resigned. My resignation has not been personally accepted until next Wednesday, by the County Commission. This will probably be my last Planning Commission meeting. I want to tell all of my fellow Planning Commissioners it's been a privilege, education and a challenge at times. I have enjoyed serving with everyone and working with the staff on the Planning Commission. The primary reason I have decided to do this at this time is for personal reasons, to spend time with my family and fulfil some other commitments that I need to take care of so."

**KROUT:** "Your gonna have a life?"

**GAROFALO:** "I'm sorry to hear that. I've enjoyed having you on the Commission since I've been on it."

**WHEELER:** "I appreciate that and hopefully I will see all of you around in some sort or fashion. And I'll stay for this for as long as I can."

**KROUT:** "There is no action that's going to be required. It's just a briefing."

**GAROFALO:** "Commissioner Platt"

**PLATT:** "I move that the Planning Commission express our deep appreciation to Commissioner Wheeler for her service. And that the motion be a part of the record."

**MOTION:** That Commissioner Wheeler statement of resignation be apart of the record and farewell from the Commissioners.

**PLATT** moved, **OSBORN-HOWEES**, seconded the motion, and it carried unanimously (10-0).

6. Informational meeting of the Metropolitan Planning Organization (MPO) regarding the proposed 5-year Transportation Improvement Program, and the sequencing of federally-funded transportation construction projects. Brief presentations by MAPD, Wichita Public Work and City of Bel-Aire Officials on 37<sup>th</sup> Street and Woodlawn projects.

**JAMSHEED MEHTA:** Jamsheed Mehta from planning staff.)

The Federal Transportation Planning Program requires all urban areas with greater than 50,000 population to have a Metropolitan Planning Organization (MPO). In the Wichita Metropolitan Area, you, the Planning Commission have been designated by both US and KDOT (Kansas Department of Transportation) as the MPO since 1974.

The three essential products out of the MPO planning process are: The Transportation Plan #1: You, as the MPO approved this plan for the year 2030. The two governing bodies have not yet approved the Transportation element of the Comprehensive Plan as yet, but the MPO has met this first responsibility.

The Transportation Improvement Program which is what we are handing out right now for your viewing. You may not be familiar with this document, because it essentially contains most of what is already in the City and the County's CIPs. The (TIP) is an important element, as a minimum, it could include all transportation projects that have federal funding. But generally it will include all transportation projects in the entire County.

And you are already familiar with the Unified Planning Work Program because we approved that document about a month ago.

As staff of the MPO, we receive federal Planning funds to accomplish the tasks that that are identified in this unified work program document.

The Federal Highway Administration Federal Transit define what is called a three "C" Process. Continuous, Comprehensive and Coordination. The Coordination process is what I'm gonna just emphasize here, because it does take a little bit of understanding of how the process works.

It's our responsibility to help you in the Coordination process.

Now as your staff, we do have a direct role to play, in that we provide you with recommendations, or research, or provide you may provide us with staff recommendations or instructions.

However today's meeting is advisory only. You are not being asked to approve the Transportation Improvement Program, or decide on the final list of federally funded projects

On May 22nd, we will take the draft TIP to a group called TAC, Technical Advisory Committee, and ask that group to review and recommend back to you the TIP document. In a way you can imagine this to be the equivalent of a DAB (District Advisory Board where you take inquiries from citizens, and make final actions on some zoning cases. Like wise the TAC group, however in this case its not a citizen group it's a group make up of City and County Public Works officials, KDOT, Airport Department, Transit Department, and planning staff

The Coordinating Committee on Transportation Planning, plays the role of the MPO on some matters. Which on most times are considered routine matters. However, with recent changes in the representation of the CCT, and the fact that the projects submitted for your consideration by the Cities of Bel Aire and Wichita are not routine business here. You have the ultimate responsibility in approving the TIP projects and the funding that goes with it and to delivering that to KDOT.

There may be other documents however not the TIP necessarily which you would otherwise submit to both City and County for example your CIP review's

These aren't all the federal funding categories, but I have broken these down for further explanation.

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Transportation Enhancement, that where we get funds from the feds for Pedestrian-Bicycle trails. Wichita's Street intersection and signal projects fall under this category. HES stands for Hazard Elimination and Safety. And that you've got Wichita Transit's primary source of revenue from the federal government which is Section 53.07.

Then under Paratransit, Planning staff works with two separate organizations. One is the Paratransit Council. It's made up of membership from associations like Red Cross, Starkey or Ketch. It may also be including Senior Centers in all three counties Sedgwick, Harvey and Butler. The second organization is the Consolidated Transit District which is made up of representatives from three county commissions. This is also a discretionary funding program through which these agencies receive specially-equipped vans.

And under airport funding it's Jabara and Mid-Continent receiving funds for maintenance, safety related improvements and even construction of airport facilities

The final two categories are KDOT exclusive funds that are used in our metro area on highways such as I-135, 235, K-96.

The Surface Transportation Program or STP, is the most popular among local governments. It also the broadest range of applications. But to date, we have only used this funding category for street widening. Projects. Basically surface transportation streets only.

Most of the time, and in any given 5-year period there are 18 to 20 street widening projects that are funded out of this category. These funds can be used by any governmental entity within the Urban Area Boundary. I will show you in a minute about what this urban boundary looks like. Most of the improvements needed are in Wichita, but occasionally there are other jurisdictions whose projects are selected based on need. For example a few years ago, Haysville got STP funds to build part of 71st Street, which is Grand Avenue. And the City of Park City has been obligated STP funds for widening 61st Street between Broadway and Hydraulic for this year, year 2000.

More funding categories, congestion, mitigation and air quality. CMAQ funds are a special category intended to help mitigate that type of congestion which may contribute to air quality problems. Although we are not a non-attainment area as yet, we get these funds and we focus them on projects like intersection improvements or certain corridors where we aren't merely adding capacity for new growth, but are actually trying to fix what we would call "hot spot". Examples would be Rock Road Corridor, the interchange of K-96 & Rock for example.

Finally the Bridge Program which is used to fund new Bridges, or reconstruct existing structures.

These last three funding categories I just mentioned are federal apportionment's provided for our Urban Area. They are not discretionary so we receive a letter each year from the state and from the feds, how much we will get for the immediate first two or three years and then extended as an average allocation after the fifth year.

This 5-year apportionment of \$50 Million is for the MPO to sub-allocate to various projects. If you don't obligate these funds to a project; then you lose funding.

While the MPO's responsibility is over projects with federal funds, the TIP does include projects with other funding sources.

On an average the TIP includes a lot more in Local funds. In fact Local funds account for 60% of the total transportation expenditures in Sedgwick County. By "All Sources" I mean all local jurisdictions and departments. That will include Wichita, Sedgwick County, Paratransit, Wichita Transit, and Airports as well.

The total Federal funds spent in this County is 28 Million per year, which is roughly 30% of the TIP. Now those 3 categories of STP, CMAQ, and Bridge funds they represent \$10 Million out of this 28 Million figure.

The MPO's Planning Boundary is Sedgwick County. After the 1990 Census, the Urban Area Boundary was officially identified so that urban and non-urban funds can be budgeted separately. The most recent Urban Area Boundary includes 6 incorporated cities and some small sections of unincorporated Sedgwick County. One might expect this red line to expand significantly after the Census 2000 data is made available. In fact expect the red line to cross over into parts of Butler County.

However, for right now the MPO must determine how to spend the \$50 Million in this Urban Area over the next five years using STP, CMAQ and Bridge Funds

Any project in the TIP and with federal funds involved must be consistent with the MPO's Long Range Transportation Plan.

The full TIP document must be Financially Constrained and each project must demonstrate the source of funding. So the City of Wichita projects are derived from the City Council's approved CIP. Sedgwick County's projects in the TIP come out of the County CIP. And you, as the Planning Commission review both the City and the County's CIPs annually and submit your comments. You do not get to review the small cities' CIPs. But if the small city requests the use of federal funds, then you, as the MPO must review the project and be assured that the local match will be available.

Attachment 5, which is the last two sheets of this agenda item, in the mailout you received is the list of only those projects that involve Federal Funds in the Urban Area, as submitted to the Planning Staff by Wichita Public Works and the City of Bel Aire

The controversy whether you need to include 37<sup>th</sup> street or Woodlawn is what you'll hear from representatives from both of those cities.

Neither 37th street nor Woodlawn are in the official approved TIP. 37th Street through the 1990s was a likely project discussed and endorsed by the Technical Advisory Committee and the Coordinating Committee. In letters from our officers representing the MPO, we have stated that 37<sup>th</sup> was a running priority for the last many years. 37th Street between Oliver and Woodlawn, has been shifted out to later years at least twice. We could not put this project on the official TIP because the issue of "who'll pay the Local Match" has not been

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resolved. Bel Aire owns the north half of 37th; Sedgwick County owns the south half of 37th; and the City of Wichita abuts the south right-of-way line.

In the mid 90s, 37th Street had more traffic on it than Woodlawn. Since then, a lot of changes have occurred. Traffic on Woodlawn exceeds the volume on 37th by 87% in year 2000. You have MAPD's comments and comparative analysis, so I won't go any further in those details.

Bel Aire's request is to include one-mile of Woodlawn from 37th to 45th Street in the TIP. They have indicated their willingness to pay the full local match. MAPD supports this request. The City of Wichita recommendation, as of last Tuesday, to you is to support 37th Street.

If you have any questions over my part of the presentation I could take them now or take them later. We do have representatives from both Bel Aire and Wichita.

**GAROFALO:** Are there any questions of Jamsheed? I guess not at this point Jamsheed.

**MEHTA:** Could we call one of the City's First? What ever your pleasure be?

**GAROFALO:** Does anybody have a preference there.

Mehta: Bel Aire

**GAROFALO:** Yea, we can hear from Bel Aire

**TIM JOHNSON:** Mr. Chairman, members of the planning commission, my name is Tim Johnson. I am the City Administrator of Bel Aire. And I have with me today Mayor, Gary O'Neal and our City Attorney, Lee Parker, as well. I think Jamsheed was very accurate and succinct in his remarks, about how our priorities. I believe the hand out you all have are also quite detailed. What I will go through here briefly highlight as you're packet that was just handed out indicates or some of the reasons we believe we need to reprioritize this and that we are requesting that it be placed in the TIP. 37<sup>th</sup> street north as Jamsheed said has come and gone. It has been in and backed off, been in and backed off. At one time prior to the opening of K-96 which is one half mile to the south, it was a serious issue that appeared to be increasing in seriousness. Since the opening of K-96 we have seen a flattening if not a reduction in traffic west bound from Woodlawn to Oliver, on 37<sup>th</sup> street. Again what we're asking to today is reprioritize placing Woodlawn in front of 37<sup>th</sup> at this time. A couple of brief facts about Bel Aire. The city is still the youngest city in the state as far as I know. It is not quite 20 years old. We have a population of 2,600 back in 1980. But our current population is approximately 5,600. We build a lot of homes 830 since December of 1990 and since December of 1994 we're averaging 98.8 homes a year. Some of the facts about Woodlawn and 37<sup>th</sup>. Two brief slides here, traffic volume north of 37<sup>th</sup>, just about two blocks of 37<sup>th</sup> in fact is over 12,000. These are the averages not the raw data, these are adjusted averages on a daily basis. Just north of the railroad inside Bel Aire it is almost 11,000. Over here on the right 37<sup>th</sup> is moving at about 6,500 – 6,600 a day. Accident history, since January of 1995, Bel Aire police and Wichita police have recorded a total of 28 accidents on Woodlawn. Again between 37<sup>th</sup> street and 45<sup>th</sup> street north. One of which was a fatality. The accident history along 37<sup>th</sup> somewhat less. Ten total no fatalities. There have been some comments regarding the narrow shoulders on 37<sup>th</sup> and the hazard that that presents. Yes the shoulders are narrower, but the ditches, for the most part are also safer. The next four slides briefly illustrate what I'm talking about. The columns on your left, the photo on the left are examples of Woodlawn ditches and those on the right are examples of ditches along 37<sup>th</sup> street. Again on the left, this is a housing development just west of Woodlawn on 37<sup>th</sup> street on the south side. Koch Industries up the road here to the west. Again the ditches. You'll notice the shadow here and how soft and almost straight it is, a little indicator of the depth and the slop to the ditch. These photos were taken a week ago today, between 10:00 a.m. and 11:00 a.m. in the morning. The photos the left not only give a brief illustration of the size of the ditches and the depths of them but also some of the traffic we see and what is generally not a drive time situation. Then the final 37<sup>th</sup> street photos there. Now some of the additional reasons we believe Woodlawn should probably receive a higher priority. The bottom line is the split grade intersection at US-254, two miles north of Woodlawn. That is the only split grade intersection along that highway from Woodlawn on east. Constructions of apartments the Remington about a half mile east of Woodlawn, and then the La Cross Apartment complex is just south of 37<sup>th</sup> on Woodlawn have increases traffic that wish to exit Wichita, make the trip to Kansas City and other points north. That pass through traffic. Woodlawn will serve as commuter route in part because Rock Road is configured as a two lane with a S curve in it. We believe also that improvement of 37<sup>th</sup> or the need there of has been reduced somewhat considerably by highway 96 being open one half mile to the south. 96 brings traffic from the south the east the west and from virtually downtown and all points north to that area. Planning for the development for the southeast corner of Woodlawn and 45<sup>th</sup> is underway, in fact there was a meeting regarding that just last night. The Catholic Care Center has a large complex at 45<sup>th</sup> and Woodlawn and plans to add over a hundred additional units beginning this month, I mean this year. And as we all know there will be considerable development at 37<sup>th</sup> and Woodlawn. We believe the greatest impact this will have on these two projects will be on Woodlawn. Again the regional commuter and the draw to the smaller cities and the rural areas to the north and east of Wichita to that big split grade intersection up there at 254 and Woodlawn. Resurrection Catholic Church and school are located at 49<sup>th</sup> and Woodlawn, they continue to grow increasing in both in vehicular and pedestrian traffic especially pedestrian traffic with the opening of the school. Granted this project won't address this directly, but it's a major first step in that direction. We have concerns about Sedgwick County Fire Departments access needs access on to Woodlawn, because it is two lane. The drainage ditches I'm shown you, there depth and size is of concern. Access and egress for businesses in side streets all along Woodlawn is a problem and that problem continues to worsens. I won't go over the K-96. The presence of Home Depo and other businesses but especially Home Depo and I can speak annotidiantly to this, personally to this has increased not just past through traffic along Woodlawn, but traffic from Bel Aire down Woodlawn into Wichita prior to the opening of Home Depo we all had to go West on 45<sup>th</sup> and take the highway down to 29<sup>th</sup> and Hydraulic to buy our home improvement supplies and goods. Now we're all running a mile or half mile south Woodlawn. Continued brook grown Bel Aire will have a more significant impact on Woodlawn traffic volume than it will on 37<sup>th</sup>. Primarily because of where that growth will occur. That growth is not going to occur anywhere near 37<sup>th</sup>. It will occur up north into both the east and the west, but especially to the east. I mentioned earlier pedestrian traffic at Resurrection Church and School it's already there and it's of concern to us regarding our little park next to the County Fire station. The only way for folks on the eastside of Woodlawn, a part of town that is growing rapidly, to access that park is across the street, without a lighted cross walk at this point and time. We believe the recent reduction in force at Koch

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Industries, and I believe I may have heard that two of those office buildings are to be closed down in the future. Should also lessen pressure to improve 37<sup>th</sup> at this time. Our position, bottom line is this. We cannot the City of Bel Aire cannot in good conscious direct funding, it's funding toward improvement of 37<sup>th</sup> street from Oliver to Woodlawn until steps have been taken to improve Woodlawn from 45<sup>th</sup> down to 37<sup>th</sup>. We would purpose that the 37<sup>th</sup> street project not necessarily be...(end of tape 1 of 2B) (tape 2 of 2 A1) to go it alone, and finally back to 37<sup>th</sup> street. We are willing to talk about 37<sup>th</sup> street on down the road. Improvement of that avenue will certainly improve Bel Aire, but we believe safety and the load and the expectant increased traffic on Woodlawn at this time dictates that 37<sup>th</sup> should be postponed until Woodlawn is improved. That concludes my presentation, I would be happy to respond to any questions you all may have?

**GAROFALO:** I have a question on the second issue there on the local share. 11% of the local share, that is not but, I guess what I want to know is, what is Bel Aire's responsibility.

**JOHNSON:** I hope you can see this far, if not I'd be happy to move, because I can't illustrate that. (Tape 2A-29) I believe it's the red line that runs from 37<sup>th</sup> to 45<sup>th</sup> street north on Woodlawn, in this illustration. The left side, the west side of Woodlawn from 37<sup>th</sup> street to 45<sup>th</sup> street is Bel Aire responsibility. The right side of Woodlawn from the railroad tracts north to 45<sup>th</sup> street is Bel Aire responsibility, like 37<sup>th</sup> street that portion of Woodlawn from 37<sup>th</sup> street north to the railroad tracts is County road. The City of Wichita as I understand has annexed only to the right-of-way line. Not to the center line. The 11% is a close approximation of what is not Bel Aire responsibility.

**GAROFALO:** What percentage is Bel Aire responsibility?

**JOHNSON:** 89 %

**GAROFALO:** So you're prepared to pay that much, 89% and 100% if necessary?

**JOHNSON:** Yes sir.

**GAROFALO:** Any other questions?

**HENTZEN:** Chairman essentially all you're doing is asking that Woodlawn be put somewhere in the CIP ahead of 37<sup>th</sup> street. Isn't that right.

**JOHNSON:** That is correct, I would take that a little further in that we would like to put it in as a construction, 2003 project, which is where 37<sup>th</sup> attentively is now.

**GAROFALO:** But I asked Jamsheed from the City transportation do you recommend this?

**JAMSHEED:** That Woodlawn would score a higher point than 37<sup>th</sup> based on existing information and projected information. Just between these two projects. Now there are many other projects which are better than that.

**KROUT:** This is an issue where the...you asked the City's transportation standpoint, we're suggesting to you as the City-County planning department that that should be a priority. But we have the City of Wichita Public Works Department represented here, they presented this issue to the City Council this week Tuesday. The City Council is officially recommending to you that you continue to rank 37<sup>th</sup> ahead of Woodlawn and Mike Lindeback will talk more about that.

**GAROFALO:** The Woodlawn project, is it scheduled for what year at this point?

**MEHTA:** In the official TIP neither one of these projects are in.

**GAROFALO:** Where did the 2003 come in from

**MEHTA:** In the 2003 37<sup>th</sup> street through the 90's mid 90's until about now has been identified as a project in what's call a KDOTS list of local projects that KDOT will administer the use of federal funds on. We couldn't put 37<sup>th</sup> into the official TIP because, we never got a clear indication of who was paying the local match.

**KROUT:** In fact that may still be an issue. In terms of putting 37<sup>th</sup> street in as local match. As I understand what Bel Aire saying, they're not willing to pay a part of 37<sup>th</sup> street and commit Bel Aire funds to that project ahead of Woodlawn.

**JOHNSON:** That is correct?

**MEHTA:** So to-date 37<sup>th</sup> street project doesn't have a financial sponsor. There are arguments about putting 37<sup>th</sup> before Woodlawn, but not necessarily in terms of funding it.

**GAROFALO:** So at this point, neither project's in the TIP.

**MEHTA:** Yes

**GAROFALO:** And scheduled for any year at all.

**MEHTA:** Now 2003 is pretty close and coming up soon in terms of how you would want to do the construction design, engineering and going the entire process of road building. So it's important we identify what project is it in 2003, because 37<sup>th</sup> had all along been scheduled for the year 2003. Now 37<sup>th</sup> in the past had also been scheduled for in the year of 2001 and before that some other date as

well. So it has been shifted around for lack of local funds it's been put back. Now we have more information which suggest it's not 37<sup>th</sup>, it's Woodlawn.

**GAROFALO:** Is 37<sup>th</sup> in the Wichita CIP or the County?

**MEHTA:** No it isn't.

(Audience Response) Again the County's CIP is an unfunded project waiting for finding when it's going to be in Bel Aire program.

**GAROFALO:** But it's not in the City's CIP?

**JOHNSON:** No

**GAROFALO:** Commissioner Marnell

**MARNELL:** On 37<sup>th</sup>, looking at that map, it's split with Bel Air on the north and Wichita on the south. Is that correct.

**MEHTA:** Not on 37<sup>th</sup>.

**JOHNSON:** County to the south.

**MEHTA:** County to the south half of their right-a-way line.

**GAROFALO:** So if it were in the CIP. If it were in it would be the County responsibility, 37<sup>th</sup>?

**MEHTA:** It could be sponsored by any unit of government. Either one of these three. As long as there is a local share.

**GAROFALO:** Right now it falls under the County?

**MEHTA:** Right now half of it is County, the other half is Bel Aire. And Wichita does not own any part of 37<sup>th</sup>.

**KROUT:** It does abut on frontage on the south side.

**MEHTA:** It does abut on the south side.

**GAROFALO:** Now on Bel Aires; are we talking definitely between 37<sup>th</sup> and 45<sup>th</sup> and not 49<sup>th</sup>?

**JOHNSON:** Only 37<sup>th</sup> to 45<sup>th</sup>.

**GAROFALO:** Okay, somewhere in the report we got, an originally maybe you were asking up to 49<sup>th</sup>.

**JOHNSON:** Yes Mr. Chairman originally we were cost and scheduling of a larger project made us reconsider the asking for a mile and a half to replace a mile so we've scaled back to one mile.

**GAROFALO:** Scaled back

**JOHNSON:** We've scaled back to one mile

**GAROFALO:** Any other questions? Next we'll hear from the City.

**PLATT:** Mr. Chairman

**GAROFALO:** Yes Mr. Platt

**PLATT:** Are we going to get any official word from the City Council, with any reasons for what they did or do you have that?

**KROUT:** Well the Agenda report that was provided to the Council, we can make that available to you. And then there minutes of the Council meeting although the minutes don't always do a wonderful job of...they are not exactly verbatim transcripts so we may have to supplement what we would usually provide.

**PLATT:** Well does there motion give us any instructions or any reasons why they.

**KROUT:** Well they're were...Yea I think in the Council member Pisciotte who made the motion. And if it's not in the minutes we'll transcribe that motion so you'll see the reasons.

**WARREN:** Has the city shown any interest in the increasing there annexation fifty foot. So they can be responsible. So that they would be a party to this?

**LINDEBACK:** We don't like to be have any more streets where are to the center line and another unit of government is on the other half. We had some and we're trying to get rid of those with Sedgwick County. We have some of that with Eastbrough, but we don't feel that's, we would like all the streets to have either one or another governed body responsible for them.

**WARREN:** Here we have three

**KROUT:** And at some point in the future Bel Aire and Wichita probably need to get together and talk about we'll maintain this road and you'll maintain that road.

**GAROFALO:** Mike would you identify yourself for the record.

**MIKE LINDEBACK:** City Engineer. I'm prepared to give some information. I think some of my information might overlap with everything else that has been presented. But I'll try to run through things real quickly. This slide depicts the, right, who, what would be the limits of Wichita. Wichita is shown in red, Bel Aire is in the large black dots and Sedgwick County are the small black dots. I think everybody is pretty clear that Wichita does not have any of either 37 or Woodlawn in the City limits of Wichita. Just as a matter of reference, we the City did improve the intersection of 37<sup>th</sup> and Woodlawn several years ago. We improved the north leg of that intersection with all the additional turn lanes, and re-paving and we did not ask Bel Aire to fund that particular improvement. That was done 100% at Wichita cost. These slides are kind of dark, I guess some of the position that we have is that we believe that the ditches along 37<sup>th</sup> are probably a little more steep severe than some of the ditches on Woodlawn, especially because there are not paved shoulder. You can see that there is not paved shoulder out here on this. This is a graphic depict the slide was kind of dark. To give you a better idea of it. Another location you can see on the unpaved shoulder it's holding water in this case, which isn't a very good attribute for a roadway. Just some more shots that shows the condition of the ditches. See this is a ditch on a street that goes into Bel Air to the north. You can see it is holding water there because of the poor drainage at that location. And graphic depictions of that. This is a brighter shot, you can see in the background again narrow shoulder. And you can see more of the water being held in that north ditch. This shows it better. And I think we calculated or counted like twenty-three drive approaches on the north side of 37<sup>th</sup> street. This is Woodlawn as it goes to the north. We have a broader shoulder, paved shoulder. And at the railroad tract. Again the ditches are a lot flatter not nearly as steep. They may have nearly as much depth, but the back slope is flatter and a safer ditch. Again I think this is up there at the intersection there at 45<sup>th</sup>. I think you've got the information on the number of vehicles, which we agree with accident information. We show that there are more like 18 accidents in the 37<sup>th</sup> street area verses the 10 that I think Bel Aire had gotten from there statistics. We also I think it is important for you to know that there is five point seven million of federal monies that are allocated each year to the Wichita urbanized areas for STP funding. It doesn't necessarily mean that we can spend all of that as far as obligation authority. You know that is an allocation but there is obligation authority it's closer to about 85%. But is actually gets, can be obligated and spent by Wichita, Haysville, Hillsbrough, Kechi, Park City or any of those communities. The as you can see the project that is being requested now isn't quite the same project that was reviewed by the Technical Advisory Committee and the Coordinating earlier. The previous committee reviewed a 4.4 million project, which went a half-mile further to the north. This compared to a 1.7 million project that had been showing up in KDOT's lists of projects. Weather it be 1.7 verses 4.4 or some smaller number, what we are really looking at is if we do a Woodlawn Project in lure of a 37<sup>th</sup> street project, there are going to be other projects. There are going to be other Projects in the Wichita Metropolitan Area, other needy projects that are gonna have to go begging. I might reverse back here and say that one of the things that we looked at is certainly a possibility for Bel Aire, in this area is that they do have wide lanes and wide paved shoulders and it certainly would be one way that they could help accommodate more traffic through this area in a safer fashion. Would be simply to re-stripe the roadway as a three-lane roadway, with a center left turn lane. Utilizing the existing pavements without going out tearing anything up or spending much money at all. When as it was stated before Park City has a one mile pavement on 61<sup>st</sup> that is in the fiscal year 2001 Program and so if you look at the amount of money that would be available for a project outside the city of Wichita if we allocated it based upon population areas outside of Wichita like was the previous plan. It would be several years before another project would be considered outside the Wichita cooperate limits.. But for the reason that 37<sup>th</sup> is improved to four lanes the mile east of here as a mile west. Both Wichita and Sedgwick County were prepared to support a 37<sup>th</sup> street project, because of trying to provide for system continuity on 37<sup>th</sup> street. That project would have by far a greater benefit to Wichita citizens than the Woodlawn project. In the County Program even though it doesn't show the funding of 37<sup>th</sup> street. The county program has continued to show that as a project waiting for an indication as to when Bel Aire wanted to fund it. We fill like there is defiantly a project that 37<sup>th</sup> project again as we saw it before didn't have as much cost associated to it. And that it would provide for greater system continuity and benefit and for that reason Wichita was supportive of the 37<sup>th</sup> street project but not supportive of advancing early federal funds for a project on Woodlawn. I can answer any questions you might have.

**GAROFALO:** Commissioner Barfield

**BARFIELD:** Sir you indicated that you're suggestion to Bel Aire would be to improve traffic on Woodlawn, simply by re-striping it. Can you tell me what areas in Wichita where you have done that?

**LINDEBACK:** Well we have just recently built Meridian with a three lane roadway. We did that on 29<sup>th</sup> street. I am trying to think of some other places. Tute at 29<sup>th</sup> street project recently.

**BARFIELD:** What stretch at 29<sup>th</sup> street.

**LINDEBACK:** Between Oliver and Woodlawn, is three-lane, we just did that three lane.

**PLATT:** Did you re-stripe or rebuild it.

**LINDEBACK:** We built it as a three lane roadway. We build 29<sup>th</sup> between Amidon and Arkansas as a three lane roadway. And we have gone out

**PLATT:** Have you just stripped any?

**LINDEBACK:** I'm trying of a place where we've re-striped. I know we have re-striped some areas for turn lanes, you know where we just had turn lane needs only. But typically within Wichita we don't have, we haven't had the luxury of having roadways that were improved previously by the county with broad shoulders and flatter ditches. So most of the cases when we've annexed a asphalt mat roadway by



from the county it's been either the narrow one there are probably some places in the future what that maybe a consideration especially for turn lanes. I've thinking of like Mac Arthur and Hoover area. Some of those areas and down at Ridge Road there has been some need probably down there that might be a consideration, but I just was pointing that out as a possibility at looking at the condition of the road. You see the condition of Woodlawn is a much better paving that there is on the condition on 37<sup>th</sup> street.

**BARFIELD:** Second question. When you make that proposals are you also taken into consideration the pedestrian traffic that would possibly be there on Woodlawn?

**LINDEBACK:** Today there is no sidewalk for pedestrians in any incidents, incident.

**BARFIELD:** Even though neither one of these are in the TIP, we do see here 2003 under purposed for federal funding, Woodlawn from 37<sup>th</sup> to 45<sup>th</sup>, so wouldn't that automatically then give precedence to that stretch as opposed to the 37<sup>th</sup> street?

**LINDEBACK:** That is the proposal before you now. That is the request of Bel Aire and that's what the planning staff gave to you for consideration. What I'm giving is that City Council position that they do not favor moving Woodlawn ahead of 37<sup>th</sup> street

**BARFIELD:** Can you speak for what reason?

**LINDEBACK:** System continuity. I think again that Marvin is gonna be able to get the information that was stated at the Council meeting from councilman Pisciotte which will be much more accurate than what I give. I'm kind of giving a memory type of thing, but basically any other thing was the time. We were looking at a project that was much larger. I have a feeling that at that point in time there was concern that a project on Woodlawn from 37<sup>th</sup> to 49<sup>th</sup> street at 4.4 million dollars would make us have to go back and reprogram other federal projects. And eliminate at least one project within Wichita to allow that to happen.

**GAROFLO:** Commissioner Marnell

**BARFIELD:** Can I make one final question. Are you proponent of the proposition that housing patterns will dictate traffic patterns?

**LINDEBACK:** Not always, but in some cases it does,

**GAROFLO:** Commissioner Marnell

**MARNELL:** Well looking at this as an over all area rather than which city does what, but just taking a big area. How can you support 37<sup>th</sup> street with the kind of traffic volumes compared to Woodlawn in good conscience.

**LINDEBACK:** We are looking at system wide basis, we're looking at something over the long period. The fact that this would be a logical step in completing the entire system. There is not projects scheduled in anybody's program to take and go from 45<sup>th</sup> street north to K-96 on Woodlawn on a four-lane roadway. This would fill in that gap right now. It's been apart of the planning or plan for this regional community for practically the last ten years. And for that reason I think it's time to support implementation of the plan.

**MARNELL:** Mike, one other I guess comment on this, does the, since we're really talking about I think, who is grabbing the race horse here. Which political entity it must go too which picks up funding and tax money and get the federal allocation to that. Is there a project that the city thinks has a higher priority than this, other than the 37<sup>th</sup> street one. Is there something missing on this.

**LINDEBACK:** Yes! If you look at our whole CIP you'll see numerous projects that have higher priority than that.

**MARNELL:** Cause I think if you just compare

**LINDEBACK:** If you look go, look at the priority ratings done by planning staff you'll find numerous projects that would become a higher, when the plan was all rated and the projects were programmed in the City CIP over a year ago.

**MARNELL:** Cause what I'm baffled with, if we're just looking at these two it would seem that one stands out more than the other.

**Lindeback:** You're just looking at two projects, where Bel Aire has requested doing one verses the other. It isn't comparing it against every other project in the Wichita Metropolitan Area.

**GAROFALO:** Commissioner HENTZEN

**HENTZEN:** Mr. Chairman maybe this should be directed, I want to ask Mike something too, but we're not going to be taking a vote today are we.

**KROUT:** No this is just to acquaint you with the issues so that two weeks from now

**HENTZEN:** Will we ever take a vote?

**KROUT:** Two weeks from now this will be on your agenda. After the zoning hearings and we want to know at the end of today whether you need any additional information between now and then.

**WARREN:** Well it seems to me that the questions is going to be either or 37<sup>th</sup>, we're not going to go in and reevaluate the whole CIP as it relates to Wichita are we?

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KROUT: Well let me say this, and then Mike you may want to respond to. One of the problems with just saying it's either 37<sup>th</sup> or Woodlawn is that we have to place a project in that 2003 program that or has a local match. And I'm not sure that Wichita, we have heard Bel Aires saying they wouldn't match on 37<sup>th</sup>, and I don't know wither Wichita is committed to match for the south side yet. So it may be an issue where the city public works department needs to come back to you and in advance of next of the next meeting and say what other project does as Commissioner Marnell, suggested what other project does city public work need to be placed in 2003 from the CIP rather than Woodlawn. And compare that project to Woodlawn. Now would you argue with that Mike.

Lindeback: Again you sit on the County CIP committee but in my previous conversations over the last five or more years with the county engineer he has said they have been prepared and ready to fund a portion of 37<sup>th</sup> street whenever the project is ready, the north half is ready to be funded. And so I think that since it is the south half of the roadway is in the county, it has been my understanding at the point and time when Bel Aire was ready to fund the north half the county would step in and do there share of it.

KROUT: We have heard today that Bel Aire wouldn't pledge the north half of 37<sup>th</sup> if Woodlawn didn't come first. So then, what we may need from your department is what project do you think should be substituted in 2003.

LINDEBACK: We can do that, now do you...what level of funding is Bel Aire purposing to have committed federal funding, federal funding committed to the one mile of Woodlawn. Is it 1.7 million like was on 37<sup>th</sup>?

GAROFALO: What portion of federal funds

LINDEBACK: I thing it was a 1.7 million dollar project. When I know that then we can look at a comparable project

GAROFALO: Mike while he's looking that up at this point if 37<sup>th</sup> was to be done, the City of Wichita would have not finical commitment in it right.

LINDEBACK;; That's right

BARFIELD: Likewise either?

Lindeback: Other than by our committing, by us committing our share of what would be our share of federal funds. We're willing to commit those several, over a million dollars of what we could spend on another project for within Wichita. And I think to me is a commitment to the project.

GAROFALO: And that's what I think Marvin was getting at to

KROUT: Not exactly

GAROFALO: Not exactly, but the money he is talking about committing, what he says the federal portion, that he'd be committing could be used on another project.

KROUT: Right, potentially, and I'm asking if it's not 37<sup>th</sup> what street would it be.

HENTZEN: Right

KROUT: Let us know before the next meeting so that we could evaluate it.

HENTZEN: "What I got her today so far, is that one City Department is in favor of this, the Planning Department..."

KROUT: "We are a City-County Planning Agency"

GAROFALO: "City-County"

HENTZEN: Well I know, but the County is not rejecting everything. It's, Jamsheed well at least when I asked a question, put Woodlawn before 37<sup>th</sup> the answer was yes. Then Mike gets up here and kinda' says something else, leads me to say that one department wants to do it and another department doesn't want to do it. Is that what's happening.

LINDENBACK:: "The City Council, we reviewed it with them and the City Council said they would like to see 37<sup>th</sup> done before Woodlawn."

KROUT: Question is priority, which comes first. I think they are both in the Transportation Plan and they both should be done.

GAROFALO: "Will the County Commission be doing the same thing as the City Council hearing on this and make it a recommendation to the Planning Commission, Like the City Council did? Go ahead, somebody answer it."

**JOHNSON:** "Mr. Chairman regarding the County I have before me a letter dated March 9,2000. Addressed to Mayor O'Neal of Bel Aire from Commissioner Betsy Gwin. Persue to our recent conversation I am writing this letter of support. Although County engineer David Spears and I believe we should widen 37<sup>th</sup> street north, I agree that Woodlawn represents a more urgent need. I am therefore asking public works to reprioritize these projects and put Woodlawn ahead of 37<sup>th</sup> street. I hope this action helps Bel Aire receive the state funding necessary to enhance Woodlawn. Please call on me if I may be of assistance in the future. Sincerely, Betsy Gwin, Commissioner.

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**GAROFALO:** "I realize that's her district, but what about the other four. Are they going to be looking at this and making some kind of recommendation?"

**KROUT:** "We haven't asked them to do it, I don't know. If that's a request of yours we can ask them to do it. I don't know if they'll have enough time, before May 25<sup>th</sup> meeting with the Planning Commission, and we do need you to take an action on the Comprehensive Plan."

**GAROFALO:** "I would think that since City Council took a position in the thing, maybe the County Commission, why can't we put them on the spot."

**WARREN:** "Especially when they own land. "

**GAROFALO:** "Where they're involved. They're involved with 37<sup>th</sup> and they are involved with Woodlawn. So why wouldn't they make a recommendation to us."

**BARFIELD:** "Would it be proper from the County Engineer?"

**KROUT:** "Yes. We can have them here at your next meeting."

**GAROFALO:** "Commissioner Osborne-Howes."

**OSBORNE-HOWES:** Well it just seems to me that, am I correct. The planning staff has made a recommendation and Bel Aire has come up and supported that recommendation.?"

**GAROFALO:** "Well maybe it's the other way around."

**OSBORNE-HOWES:** "Well which ever. Then the City Council came and said yes but. It seems to me that we ought to hear from the County."

**GAROFALO:** "That's what I thought."

**OSBORNE-HOWES:** "All of the county, as opposed to just the County Commissioner which happens to have that district. That makes sense to me. It also sounds to me like you all haven't had a meeting so that you could be brought up to date. I would also recommend that maybe the parties get together and share information so that they maybe you'd be brought up to speed."

**GAROFALO:** "When could this be brought to the County Commission next week."

**KROUT:** "Probably not next week, but possibly the Wednesday the day before May 25<sup>th</sup>, on the 24<sup>th</sup>."

**GAROFALO:** "Does this have to be put to bed on a certain date?"

**KROUT:** Yes!

**GAROFALO:** "By the end of May."

**KROUT:** "KDOT is asking for the "TIP" to be approved by the end of May."

**WARREN:** Which still seems to me like Mr. Chairman, that this has been brought before us for our review as to determination and I'm sure it will be resolved two weeks from now, between 47<sup>th</sup> or, 37<sup>th</sup> and 45<sup>th</sup>, with out these other considerations, cause that's where the City is taken there position. One against the other. The controversy is involved those two things and I hate to see it get spread out into many other factors at this late date at least.

**GAROFALO:** Commission Osborne-Howes.

**OSBORNE-HOWES:** Who makes the ultimate decisions. Do we make the recommendation.

**KROUT:** You're making the decision.

**OSBORNE-HOWE:** Well then I think if we...

**KROUT:** Which is an interesting turn of events where you're asking for both the City Council and the County Commission to give you recommendation so you make the decision that you support that way.

**OSBORNE-HOWE:** I'm not sure I would normally, but if the City Council has decided that they are going to tell us how they feel, I think that we ought to give a fair shot to the County.

**GAROFALO:** And the County's got..

**OSBORNE-HOWE:** We didn't ask for the City's request.

**GAROFALO:** The County's got financial responsibility for both portions.

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**KROUT:** And to that we probably, the County will want to hear from, have similar presentation as the Planning Commission had today from both Bel Aire and the City of Wichita. We'll ask that if they are willing to participate.

**GAROFALO:** I got another question, beside that, maybe Jamsheed could answer this or Marvin or whatever. We're going to be looking at approving this, we are gonna be looking at all the rest of these projects, correct?

**JAMSHEED:** Yes?

**GAROFALO:** Because I had some questions about some of these.

**JAMSHEED:** Sure, but every other one of the other projects except for Woodlawn on that list is in the approved CIP of the City of Wichita.

**GAROFALO:** All of these

**JAMSHEED:** All of these.

**KROUT:** It has gone through your approval already

**JAMSHEED:** The only reason why, this is becoming an bigger issue

**GAROFALO:** I thought that was the case but.

**BARFIELD:** Do we need to write a formal request to the County with a motion.

**KROUT:** I don't think you need a motion. That seems to be the conscience, we'll ask them if they can handle that.

**BARFIELD:** Did you finish your statement?

**JAMSHEED:** I'm sorry.

**BARFIELD:** Could you finish your statement that you were about...

**JAMSHEED:** I can't hear you.

**BARFIELD:** Could you finish your statement that you were in the process of making.

**JAMSHEED:** The City's "CIP" Projects you have an opportunity in the early stages when the draft "CIP" is being processed to make comments what the City's priority ought to be. Planning did participate in that and evaluated some of those projects which were being screened for a benefit analysis. And the higher the benefit cost the sooner the project ought to be and it is generally in that fashion. So the ten year document the "CIP" of the City of Wichita includes those projects which we did review and share with you a couple of times sometime the middle of last year.

**BARFIELD:** Well you were making a statement as to why this had been included in here. Why Woodlawn Project had been included.

**JAMSHEED:** Woodlawn from 37<sup>th</sup> north or even 37<sup>th</sup> between Oliver and Woodlawn is not in the City of Wichita. So they don't have a proposal in the City's "CIP" for that improvement, but for use of federal funds any of those six incorporated city's and small part of Sedgwick County could be applicants or could be providing the local share for any project. Your role here is to do a selection that meets the definition of projects selection according to federal highway. So you're reasoning has to be documented. For the purposes of City "CIP" projects and even County "CIP" projects that process has already happened. Because these are officially in the "CIP". But because you never got a chance to look at Bel Aire's projects.

**GAROFALO:** Commissioner HENTZEN

**HENTZEN:** As I told you two weeks ago, I'll be in Baltimore Maryland on the 25<sup>th</sup>. And with the resignation of Deanna does that change your quorum?

**BARFIELD:** Can we hook you up in the telephone.

**HENTZEN:** Yea. Do you understand what I'm saying, with her leaving.

**KROUT:** With her leaving a quorum will be seven instead of eight at the next meeting.

**HENTZEN:** That's what I was thinking.

**KROUT:** Even if you were absent it would still be seven.

**GAROFALO:** It probably won't be an appointment between now and then I wouldn't think.

**BARFIELD:** Now that they haven't even accepted her resignation as yet.

**GAROFALO:** Yea I wouldn't think they would get around to it. Is there anything else to come before the Commission.

**KROUT:** Any other information you want requested on this project.

**BARFIELD:** Let me just ask this, because Commission Osborne-Howes, if she would not be here on the 25, maybe we ought to make sure that we will have a quorum.

**GAROFALO:** Presumably the other four who are not five, how many are not here four, five not here. Presumably they will be here I guess. Hopefully.

**OSBORNE-HOWES:** It seems to me again that if someone is not going to be here they ought to let someone know.

**KROUT:** Four of the five commissioners did

**OSBORNE-HOWES:** But not all of them did.

**GAROFALO:** I made that clear at the last meeting, for people to let us know.

**KROUT:** Because four of them did we called to make sure that we did have a quorum this afternoon.

**PLATT:** Mr. Chairman

**GAROFALO:** Commissioner Platt

**PLATT:** On the 25<sup>th</sup>, is the public permitted to speak

**KROUT:** We didn't advertise this in the news paper so it would be the discretion of the planning commission depending on who is there. I think that probably we'll have questions of several parties, sounds like you would want the county engineers to also be present so I imagine we'd probably want to maybe not hear any new, same information but maybe any new information.

I think we ought to decide now that it's not a public hearing.

**GAROFALO:** If it isn't advertised

**PLATT:** Is it required to be a public hearing

**GAROFALO:** I would move right now that it would not be a public hearing. That would still give you the latitude to ask for it. But if you saw somebody...Are you suggesting that it should or should not be Commissioner Platt.

**PLATT:** I'm trying to think of the fairest way to treat the public. This was not advertised at a public hearing and the 25<sup>th</sup> is not and I would hate to see someone...

**GAROFALO:** The only way to do it then would be to get something in the news paper.

We do that we may have three hundred people.

**BARFIELD:** Was the City Council open to the public on this situation?

**GAROFALO:** Well he asks if there, I think I watched it on TV and I think the Mayor asks if there was anyone to speak.

**BARFIELD:** Well he always asks, because nobody ever knows what's going on.

**KROUT:** Both of these items were on the agenda, but not advertised. Not that Advertising in the Daily Reporter wouldn't make a difference.

But the word would get out.

**GAROFALO:** Since Derby is not involved at all. Are there any other issues to come up before the Commission at this point. So who is not going to be here Bud and Susan. Marvin has a couple of items.

**KROUT:** First of all the first case two weeks from now will be 1:00, because we have at least one case maybe two that are coming back. But we're for reconsideration I know the wireless tower up at 45<sup>th</sup> and Greenwich is coming back so plan to start at 1:00. The other thing I wanted to mention was, you may or may not have heard the City Council meet, plan for the northwest sewer plant. They had a vote to approve, subject to road paving requirements. There was an appeal from the water department.

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The meeting officially adjourned at 4:00 p.m.

Sedgwick County ) <sup>ss</sup>

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Marvin S. Krout, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)